

a motor of 10 horsepower, or more, if such boat or vessel is underway under the power of such 10 horsepower motor, or more.

The amendment was adopted.

VOTE RECORDED

Mr. Adams requested to be recorded as voting Nay on the adoption of the amendment by Mr. John Hannah to HB 605.

HB 605, as amended, was passed to engrossment.

Mr. Atwell moved to reconsider the vote by which HB 605 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

VOTES RECORDED

Representatives Haynes, Kubiak, Nabers, Salter, and Spurlock requested to be recorded as voting Nay on the passage to engrossment of HB 605.

PROVIDING FOR A LOCAL AND CONSENT CALENDAR OF BILLS

Mr. Jim Nugent moved to suspend all necessary rules and set a Local and Consent Calendar of Bills for Monday, May 24, at 3:00 p.m.

The motion prevailed without objection.

RECESS

Mr. Adams moved that the House recess until 10:00 a.m. next Monday.

The motion prevailed without objection.

The House accordingly, at 7:08 p.m., recessed until 10:00 a.m. next Monday.

EIGHTY-FIRST DAY (continued)—MONDAY, MAY 24, 1971

The House met at 10:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Bass, T.	Caldwell	Cruz
Adams	Beckham	Calhoun	Daniel
Agnich	Bigham	Carrillo	Davis, D.
Allen, Joe	Blanton	Cates	Davis, H.
Allen, John	Blythe	Christian	Denton
Angly	Boyle	Clark	Doran
Atwell	Braecklein	Clayton	Doyle
Atwood	Braun	Coats	Dramberger
Baker	Burgess	Cobb	Finnell
Bass, B.	Bynum	Craddick	Finney

Floyd	Jungmichel	Ogg	Slider
Foreman	Kaster	Orr	Smith
Garcia	Kost	Parker, C.	Solomon
Golman	Kubiak	Parker, W.	Spurlock
Grant	Lemmon	Pickens	Stewart
Hanna, Joe	Lewis	Poerner	Stroud
Harding	Ligarde	Poff	Swanson
Harris	Lombardino	Presnal	Tarbox
Hawkins	Longoria	Price	Traeger
Hawn	Lovell	Reed	Truan
Haynes	McAlister	Rosson	Tupper
Head	Mengden	Salem	Uher
Heatly	Moncrief	Salter	Vale
Hendricks	Moore, A.	Sanchez	Von Dohlen
Hilliard	Moreno	Santiesteban	Ward
Howard	Murray	Schulle	Wayne
Hubenak	Nabers	Shannon	Williams
Hull	Nelms	Sherman	Wolff
Johnson	Neugent, D.	Short	Wyatt
Jones, D.	Nichols	Silber	
Jones, E.	Niland	Simmons	
Jones, G.	Nugent, J.	Slack	
Absent			
Allred	Finck	Kilpatrick	Patterson
Bowers	Gammage	Lee	Rodriguez
Cavness	Graves	McKissack	Semos
Cole	Hale	Moore, G.	Wieting
Earthman	Hannah, John	Moore, T.	Williamson
Farenthold	Holmes, T.	Newton	

Absent-Excused

Holmes, Z. Ingram

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for today on account of important business:

Mr. Zan Holmes on motion of Mr. Stroud.

Mr. Ingram, temporarily for today, on motion of Mr. Boyle.

Representatives Hale, Kilpatrick, Tom Moore, and Gammage entered the House and were announced present.

SB 727—VOTE RECONSIDERED

Mr. Slider moved to suspend all necessary rules and to reconsider the vote by which SB 727 was passed on May 21.

The motion prevailed without objection.

Representative Farenthold entered the House and was announced present.

HCR 164—ADOPTED

(Requesting the Senate to return SB 727 to the House)

Mr. Slider offered the following resolution:

HCR 164

Whereas, The House has reconsidered the vote by which SB 727 was finally passed; and

Whereas, The House desires the Senate to return SB 727 to the House for further consideration;

Be it Resolved by the House of Representatives, the Senate concurring, That SB 727 be returned to the House for further deliberation.

The resolution was adopted without objection.

Representatives McKissack and Graves entered the House and were announced present.

COMMITTEE MEETING

Mr. Grant Jones asked unanimous consent of the House that the Committee on Urban Affairs be permitted to meet at this time.

There was no objection offered.

MEMORIAL RESOLUTIONS ADOPTED

The following Memorial Resolutions were adopted unanimously by a rising vote:

HSR 564, by Beckham and Hendricks: In memory of Mrs. W. A. (Katie) Thomas.

HSR 565, by Schulle and Foreman: In memory of James C. Tuttle.

Representatives John Hannah, Newton, and Finck entered the House and were announced present.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HCR 162, by Poerner: Congratulating Miss Lydia Enriqueta Rodriguez.

HSR 563, by Carl Parker: Congratulating Jefferson County high school seniors.

Representative Cavness entered the House and was announced present.

HCR 163—REFERRED TO COMMITTEE

(Inviting the Honorable Hubert H. Humphrey to address a joint session)

Mr. Heatly and Mr. Longoria offered the following resolution:

HCR 163

Whereas, The Honorable Hubert H. Humphrey, United States Senator from Minnesota and former Vice-President of the United States, is a distinguished American statesman and an outstanding leader in the Democratic Party; and

Whereas, The 62nd Legislature of the State of Texas desires to honor this illustrious American, and it would be a distinct pleasure to all Members to have him visit the Texas Legislature and to deliver an address before this Body; now, therefore, be it

Resolved by the House of Representatives of the 62nd Legislature, the Senate concurring, That the Honorable Hubert H. Humphrey, long-time Senator from the State of Minnesota, be, and he is hereby invited to address a joint session of the House of Representatives and the Senate of the 62nd Legislature in the Hall of the House at a time convenient to him before sine die adjournment; and, be it further

Resolved, That a copy of this resolution be prepared for Senator Humphrey as his official invitation from the Texas Legislature.

The resolution was referred to the Committee on House Administration.

COMMITTEE MEETING

Mr. Calhoun asked unanimous consent of the House that the Committee on Criminal Jurisprudence be permitted to meet at this time.

There was no objection offered.

HSR 567—REFERRED TO COMMITTEE

(Creating an interim committee to study youth activities)

Mr. Orr offered the following resolution:

HSR 567

Whereas, The State of Texas owes much to an active and effective citizenry whose participation and contributions to the democratic process have led to great progress; and

Whereas, The problems and challenges of social problems are more pressing than ever before, and are demanding of new ideas and approaches; and

Whereas, The young people of Texas have shown a willingness and a capacity to assume responsible leadership in all areas of our society; and

Whereas, The development of a youth resources council which would utilize the capabilities of young people in governmental and other areas of leadership would be an asset to the people of Texas; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature create a special interim committee to study youth activities and affairs, with special emphasis on the desirability and feasibility of developing a youth resources council; and, be it further

Resolved, That the committee shall be composed of five Members of the House of Representatives, including one designated as chairman, to be appointed by the Speaker. The Speaker may appoint a youth advisory panel to assist the committee, and may employ a staff director to supervise the planning and programs undertaken by the committee; and, be it further

Resolved, That state departments and agencies concerned with youth affairs are requested to give full cooperation to the committee in its study; and, be it further

Resolved, That actual expenses of members of the committee, the salary of the staff director and other expenses of operation in connection with committee activities shall be paid from the expense fund of the House of Representatives; the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval on nonbudgeted expenses must also be obtained from the House Administration Committee; and, be it further

Resolved, That the staff of the Texas Legislative Council be requested to assist the committee in this study; and, be it further

Resolved, That this committee shall make its complete report, including findings and recommendations, with drafts of any proposed legislation, to the 63rd Legislature at its regular session in January 1973, and that five copies of the completed study shall be filed in the Legislative Reference Library and five copies filed in the office of the Texas Legislative Council. Following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

The resolution was referred to the Committee on Resolutions and Interim Activities.

Representatives Patterson, Rodriguez, and Lee entered the House and were announced present.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HCR 165, by Joe Allen: Congratulating the People's State Bank of Baytown.

On motion of Mr. Gammage, the names of all the Members of the House were added to HCR 165 as signers thereof.

HSR 566, by Orr: Commending the staff of the Rules Committee.

HCR 161—ADOPTED

(Authorizing corrections in HB 1656)

Mr. Salem offered the following resolution:

HCR 161

Whereas, HB 1656 has been passed by both the House and Senate and is now in the House Enrolling Room; and

Whereas, Certain corrections need to be made in the bill; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Enrolling and Engrossing Clerk of the House be and is hereby directed to correct the enrolled copy of HB 1656 by adding the following paragraph at the end of Section 2 of the bill:

"There is expressly excluded from the provisions hereof any vested private property rights."

The resolution was adopted without objection.

HOUSE BILL ON FIRST READING

The following House Bill was today laid before the House, read first time and referred to Committee, as follows:

By Solomon:

HB 1884, A bill to be entitled An Act creating Delta County Municipal Utility District, a conservation district, under Article XVI, Section 59 of the Constitution, comprising the territory contained in Delta County, Texas, for the purpose of providing a source of water supply for municipal, domestic and industrial use and diverting, impounding, storing, treating,

and transporting the same; and for providing sewage collection, transportation, treatment and disposal services, or any of such services, within or without the district; and for the purpose of constructing and operating facilities; providing for a board of directors for the government of said district; providing the means of annexing additional territory to said district; authorizing the district to obtain permits from the Texas Water Rights Commission and from owners of permits; and to make contracts for the purchase of water; authorizing the district to acquire land for its purposes by condemnation; providing that any construction contract in excess of \$5,000 should be made only after publication of notice; authorizing the district to issue bonds and providing for the payment and security thereof; providing that said bonds shall be payable either from ad valorem taxes, revenues or a combination of taxes and revenues; authorizing the issuance of refunding bonds; authorizing the execution of a trust indenture to secure bonds payable from revenues or partly from revenues; providing for elections approving the issuance of bonds payable from taxes or partly from taxes; authorizing the district to enter into contracts with cities and others for supplying water and for sewage disposal services to them, and for operation of the water and/or sewer system; providing for the approval of bonds issued by the district and contracts entered into by the district by the Attorney General and registration of bonds by the Comptroller of Public Accounts of the State of Texas; prescribing other powers and duties of the district; authorizing other provisions relating to the subject; providing a severability clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

HCR 163—ADOPTED

The Speaker laid before the House the following resolution on committee report:

HCR 163, Inviting the Honorable Hubert H. Humphrey to address a joint session.

The resolution was adopted without objection.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled bills and resolutions:

HB 279, Amending the Texas Education Code.

HB 661, Relating to the bond interest rate on housing authority bonds.

HB 663, Authorizing a person 18 years of age to give blood to the American Red Cross, etc.

HB 753, Relating to the authority of the Department of Health to issue certificates of need for the construction of nursing homes, etc.

HB 775, Relating to the taking of doe deer by longbow and arrow in Kimble County.

HB 821, Relating to the method by which a person may establish an exemption from jury service.

HB 823, Amending Chapter Three of the Insurance Code concerning domestic life insurance companies investments.

HB 849, Relating to the salary of the official shorthand reporter for the 196th Judicial District.

HB 870, Relating to creation of the Juvenile Board of Eastland County.

HB 885, Relating to the inclusion of municipal utility districts within the provisions of Articles 1182c-1 and 1182c-5 R.C.S.

HB 989, Relating to the powers of the Upper Guadalupe River Authority.

HB 1068, Permitting petitions to the commissioners court to allow cattle to run at large in Bailey County.

HB 1146, Creating Harris County Utility District No. 16.

HB 1147, Creating Harris County Utility District No. 9.

HB 1148, Creating Harris County Utility District No. 10.

HB 1149, Creating Hannah Nash Public Utility District.

HB 1414, Amending the Water Code, relating to the fees for the use of impounded water for recreation purposes.

HB 1548, Relating to the District Attorney in the 69th Judicial District and his assistants.

HB 1724, Creating Thunderbird Public Utility District in Fort Bend County.

HCR 47, Directing the Highway Department concerning natural collection points for surface water.

HCR 125, Creating a special committee to make a study of severed mineral estates.

HCR 152, Commending the Echols family and Citizens National Bank and Trust Company of Baytown.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

To Members of the Texas House of Representatives from Governor Preston Smith:

I herewith submit the attached Special Message for your consideration as an emergency measure.

Respectfully submitted,
PRESTON SMITH
Governor of Texas

Message from Governor Preston Smith to the Members of the Sixty-second Legislature:

May 24, 1971

Once again Texas faces an urgent need to respond to federal government guidelines.

The subject matter on this occasion is highway beautification. Under the Highway Beautification Act of 1965, states are required by law to enter into agreements with the Secretary of Transportation establishing standards of size, lighting, and spacing of billboards along primary and interstate highways. States are also required to maintain effective control of signs.

The Act provides that states that do not enter into such agreements face a 10% reduction in federal highway trust funds. The imposition of the 10% penalty has been deferred since the enactment of the Highway Beautification Act pending the necessary congressional authorization of monies by which the federal government could carry out its part of the agreement.

The Texas Highway Department and the Governor's office have worked diligently with the Department of Transportation since the enactment of the Act in 1965. My office has corresponded with the Secretary of Transportation on several occasions in the past few months regarding the situation as it relates to Texas.

The Federal-Aid Highway Act of 1970 authorized the required highway beautification funding in limited amounts. Last Thursday, my office received a call from the office of the Secretary of Transportation informing us that five states whose legislatures had adjourned without passing enabling legislation for their states to comply with the provisions of the Act were receiving letters to the effect that 10% of their federal aid highway funds would be withheld in fiscal 1973. We were informed that the Secretary of Transportation would take similar action here if Texas did not enact legislation which enabled us to participate in the Highway Beautification Program. States have sixty days after receipt of the letter of notification to comply. Compliance after the sixty-day period will not reinstate the lost funds.

Specifically, and in order to comply, the State of Texas must:

1. Pass legislation which will provide effective control of future outdoor advertising as provided in the Highway Beautification Act of 1965.
2. Provide a mechanism for buying and removing existing nonconforming outdoor advertising signs.
3. Provide sufficient state funds to match available federal money for removal of nonconforming signs. Some federal aid will be provided and the state must provide 25% of the total.

State legislation is now pending (HB 1400 and SB 749) which are designed to control outdoor advertising. With some revisions, these bills can be adjusted to meet Texas' responsibilities under the Highway Beautification Act of 1965.

I have requested my staff and the State Highway Engineer to work closely with you in making the necessary adjustments to these bills in order that Texas can meet its responsibility.

I urge the legislature's careful consideration of these items. Texas cannot afford to lose \$24 million of its federal aid highway funds.

Representatives Wieting and Ingram entered the House and were announced present.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following Message from the Governor:

To Members of the Texas House of Representatives from Governor Preston Smith:

I herewith submit the attached Special Message for your consideration as an emergency measure.

Respectfully submitted,
PRESTON SMITH
Governor of Texas

Message from Governor Preston Smith to the Members of the Sixty-second Legislature:

May 24, 1971

In my budget recommendations which were presented in the initial days of this Session, I recommended sufficient funds for the Texas Aeronautics Commission's Airport Aid Program. This program aids cities in matching, on a 50-50 basis, \$3 million of federal funds available annually to local airports (not served by air carriers) under the Federal Airways Act of 1970. Since the biennial total of my recommendations exceeded the revenue producing capacity of the unrefunded tax on aviation fuel, I recommended that the refund provision be removed from V.A.C.S. Art. 9.13. This action would provide an additional \$1.4 million in revenue for the biennium.

In accordance with my recommendations, when HB 730 passed the House on March 3, it amended Art. 9.13 of the V.A.C.S. to provide the additional revenue. However, the final version of HB 730 which passed both the House and Senate did not change the refund provision.

Since the omission of this amendment could cause the state and its cities to lose \$3 million annually in Federal Aviation Grants to local airports not served by an air carrier, I strongly urge that this amendment be considered now on an emergency basis. Most cities would be hard pressed to find this revenue, thus losing an opportunity to aid their future economic development.

If Texas is to obtain a fair return on the taxes its citizens are paying into the Federal Aviation Trust Fund, the state must aid the cities in raising the revenue to match these grants. Moreover, since some of these cities may exceed the 50,000 population ceiling and \$27,500 grant amount ceiling currently imposed on the commission, I also urge that these restrictions be removed.

There are other significant reasons why these two legislative actions are imperative.

1. Last week the Federal Aviation Administration approved an Airport Systems Planning grant of \$629,961 (2/3 federal, 1/3 state matching ratio) to enable Texas to continue to formulate a statewide Air Transportation Plan. The development and approval of such a plan is necessary for Texas to receive approximately \$175 million in airport construction grants during the next ten years.

The Division of Planning Coordination in my office will serve as coordinator for this comprehensive study of the need and optimum course of future airport development in Texas. The plan will be compiled through the joint efforts of the Aeronautics Commission, the Texas Transportation Institute and regional councils of government. This study will measure current demand for commercial passenger, air cargo, and general aviation; forecast future demand based on population and economic growth; and thus pinpoint future needs for airport construction and development. Since the formulation of this master plan will be a future requirement to qualify state and city grant requests from the Federal Aviation Trust Fund, Texas must insure that it has sufficient revenue to provide the state share of the match to continue this study. If all of the matching funds must come from present revenue, the state airport aid program will be seriously hindered.

2. Part of this additional revenue is also needed to aid airports which run the risk of losing scheduled air service by C.A.B. certified carriers as a result of airport certification responsibilities of the F.A.A. under the Airport/Airways Act of 1970.

3. Some additional funds are needed by the commission to assist the future economic development of the state by providing financial assistance when the development of an adequate airport facility is a critical factor in an industry's decision to locate in Texas.

If you feel that the removal of the refund provision is not advisable, I recommend that the necessary funds be financed out of General Revenue funds. However, the removal of the refund provision is the preferable alternative since it would also provide \$600,000 more revenue to the Available School Fund for the biennium (thus relieving the General Revenue Fund).

The future aviation development and economic growth of the state makes it urgent that this additional funding be provided the Aeronautics Commission.

Representative Cole entered the House and was announced present.

HSR 562—ADOPTED

(Congratulating the Honorable Bill Hilliard on his birthday)

Mr. Niland offered the following resolution:

HSR 562

Whereas, This 24th day of May, 1971, is the birthday of a remarkable freshman Representative who has been called the "most handsome devil in Fort Worth," a man who has more gimmicks up his sleeve than you'd find anywhere on a magician, a true politician who feels it is his "duty" to make every breakfast, luncheon, cocktail party or dinner sponsored by lobbyists or legislative delegations; it's the 55th birthday of the Sunday School superintendent at Sagamore Hill Baptist Church—the Honorable Bill Hilliard; and

Whereas, Bill Hilliard really lives by his motto: "I believe you ought to be nice to people . . . then they'll be nice to you," and it's not at all hard to be friendly with this big, boyish-looking "country boy who has come to town" with a grin and a handshake; he exudes flattery with a distinct Southern drawl and knows everybody in Tarrant County—given another month, he'll know everybody in Austin; and

Whereas, Hilliard's preparation for the Legislature includes a career in the hard-as-nails sales business: he has sold coffee in New Orleans, been a Fuller Brush Man, and thrives on 21 years of selling insurance in Fort Worth; he decided to run for office because he feels that Texans need more business people in the Legislature; and

Whereas, He moves at a tireless pace around the Capitol—a pace he set in Fort Worth while attending Southern Methodist University, serving as lieutenant governor of the Texas-Oklahoma District of the Kiwanis Club, and being president of the Fort Worth Rehabilitation Farm; and

Whereas, When he got to Austin, Bill Hilliard was one of the happiest of the freshmen exploring the workings of state government; he enjoys the glamor of the Legislature, but he's also impressed with his responsibilities to his constituents, and he's learned ". . . there are some things you go along with to get people to go along with you"; and

Whereas, When Speaker Gus Mutscher picked Bill Hilliard to serve on a committee to escort former British Prime Minister J. Harold Wilson, President Lyndon Johnson, the Governor, and the Lieutenant Governor into the House for a joint session, he said, "I was thrilled! It was one of the highlights of my stay here, one of the most exciting things of my life"; and

Whereas, "Honey Boy," as he is frequently called, has come a long way from Martin, Tennessee, since 1916: he's now known to be an authority on everything and one who takes advantage of every situation; there's no telling where he's liable to go in his next 55 years; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature hereby congratulate an outstanding rookie Representative, the Honorable Bill Hilliard, upon his 55th birthday; and, be it further

Resolved, That an official copy of this resolution be prepared for Representative Hilliard in token of the high esteem of his fellow Members for his distinguished abilities and refreshing good humor.

Signed: Niland, Shannon, Murray, Swanson, Smith, Uher, Carl Parker, Solomon, Hubenak, and Nabers.

The resolution was read and was unanimously adopted.

On motion of Mr. Shannon, the names of all the Members of the House were added to the resolution as signers thereof.

Representatives Tom Holmes and Allred entered the House and were announced present.

COMMITTEE MEETING

Mr. Harding asked unanimous consent of the House that the Committee on Parks and Wildlife be permitted to meet at this time.

There was no objection offered.

Representative Semos entered the House and was announced present.

COMMITTEE MEETING

Mr. Jungmichel asked unanimous consent of the House that the Committee on Public Education be permitted to meet at this time.

There was no objection offered.

Representative Griffith Moore entered the House and was announced present.

HCR 122—ADOPTED

The Speaker laid before the House the following resolution on committee report:

HCR 122, Creating an interim committee to study junior colleges and technical institutes.

Mr. Ward offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend HCR 122 to read as follows:

Whereas, the Legislature of the State of Texas needs to assess accurately the needs of the State of Texas for vocational and technical education programs at the post-secondary level so that a reasonable pattern of growth can be outlined in this vital area and so that unnecessary duplication of programs will not be fostered; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 62nd Legislature establish a special committee, to be called the Committee to Study the Proper Roles of Junior Colleges and Technical Institutes, to study the roles of such institutions in post-secondary vocational and technical education in Texas; and, be it further

Resolved, That such committee shall consist of ten members: five Senators, to be appointed by the Lieutenant Governor, and five Members of the House of Representatives, to be appointed by the Speaker of the House; the committee shall elect one of its members to serve as chairman; and, be it further

Resolved, That the committee shall have a five member advisory panel from the Advisory Council for Technical-Vocational Education, including the chairman of the Council and the members designated in Section 4 of the State Technical-Vocational Act of 1969 as "one member actively engaged in the administration of community junior college vocational education, one member actively engaged in technical training institutes, one member familiar with the administration of state and local technical-vocational education programs," and one member representing industry; and, be it further

Resolved, That this committee shall work with the Advisory Council for Technical-Vocational Education and its staff, the State Board of Education and the Texas Education Agency, and the Coordinating Board, Texas College and University System and its staff, and shall hold such hearings at such times and places as will be necessary to develop a realistic picture of the needs of the State and the most effective way to meet those needs; and, be it further

Resolved, That the committee shall have power to issue process to witnesses, at any place in the state, to compel their attendance and the production of all books, records, and instruments; to issue attachments where necessary to obtain compliance with subpoenas or other process, which may be addressed to and served by either the sergeant at arms appointed by the committee or by any peace officer of this state; and to cite for contempt, and cause to be prosecuted for contempt, anyone disobeying the subpoenas or other process lawfully issued by it in the same manner as provided by general law. The chairman of the committee shall issue, in the name of the committee, such subpoenas as a majority of the committee may direct. In the event the chairman is absent, the vice-chairman or any designee of the chairman is authorized to issue subpoenas or any other process in the same manner as the chairman; and, be it further

Resolved, That from the Expense Fund of the House and Senate, the

members of the committee shall be reimbursed by their respective Houses for their actual expenses incurred in carrying out the purposes and duties of this resolution, and other necessary expenses for operation of the committee shall be paid from these funds of the House and Senate equally; and, be it further

Resolved, That the committee shall prepare a budget for the operating expense of said committee which shall be submitted to the Administration Committee of the Senate and the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenditures must also be obtained from the House Administration Committee and the Administration Committee of the Senate; and, be it further

Resolved, That the committee shall make its complete report, including findings and recommendations and drafts of any legislation deemed necessary, to the 63rd Legislature when it convenes in January, 1973. Five copies of the completed report shall be filed in the Legislative Reference Library and five copies shall be filed in the office of the Texas Legislative Council; following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

The committee amendment was adopted without objection.

HCR 122, as amended, was adopted without objection.

SB 835—REQUEST OF SENATE GRANTED

On motion of Mr. Cavness, the House granted the request of the Senate for the appointment of a Conference Committee on SB 835.

SB 835—APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on SB 835:

Representatives Cavness, Chairman; Clayton, Foreman, Golman, and Solomon.

Representatives Williamson and Bowers entered the House and were announced present.

SB 442—CONFERENCE COMMITTEE DISCHARGED

Mr. Atwell moved to discharge the Conference Committee on SB 442 and to appoint a new Conference Committee.

The motion prevailed without objection.

SB 442—APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on SB 442:

Representatives Atwell, Hull, Moncrief, Boyle, and Hawn.

COMMITTEE MEETING

Mr. Calhoun asked unanimous consent of the House that the Committee on Criminal Jurisprudence be permitted to meet at this time.

There was no objection offered.

HB 1325 ON PASSAGE

The Speaker laid before the House, as postponed business, on its final passage,

HB 1325, Permitting a peace officer to take bail in misdemeanor cases.

The bill was read third time on May 22 and postponed until 11:00 a.m. today.

Mr. Spurlock offered the following amendment to the bill:

Amend HB 1325, Second Printing, Committee Amendment on page 1, in Art. 17.20:

delete the word "shall", substitute the word "may".

The amendment was adopted without objection.

HB 1325, as amended, was passed.

Mr. Longoria moved to reconsider the vote by which HB 1325 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 1482 ON SECOND READING

Mr. Sherman moved that all necessary rules be suspended to take up and consider at this time, HB 1482.

The motion prevailed without objection.

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1482, A bill to be entitled An Act relating to the regulation of the fitting and dispensing of hearing aids and the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids; amending Subsections (a), (b), (e), (f), and (i), Section 12, and Subsection (a), Section 13, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Articles 4566-1.12 and 4566-1.13, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

Mr. Stewart offered the following amendments to the bill:

Amend HB 1482, Second Printing, by renumbering Section 3 and adding a new Section 3 to read as follows:

Sec. 3. Subsection (a), Section 15, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.15, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) It is unlawful for any person to:

"(1) Buy, sell, or fraudulently obtain a license to fit and dispense hearing aids or aid or abet therein;

"(2) Alter a license to fit and dispense hearing aids with the intent to defraud;

"(3) Willfully make a false statement in an application to the Texas Board of Examiners of Fitters and Dispensers of Hearing Aids for a license, a temporary training permit or for the renewal of a license;

"(4) Falsely impersonate any person duly licensed as a fitter and dispenser of hearing aids under the provisions of this Act;

"(5) Offer or hold himself out as authorized to fit and dispense hearing aids, or use in connection with his name any designation tending to imply that he is authorized to engage in the fitting and dispensing of hearing aids, if not so licensed under the provisions of this Act;

"(6) Engage in the fitting and dispensing of hearing aids during the time his license shall be cancelled, suspended or revoked.

"(7) Before any sale of a hearing aid shall be consummated, the person purchasing the hearing aid must have his hearing tested at an examination conducted in person by the licensee."

Amend HB 1482, Second Printing, by renumbering Section 3 and adding a new Section 4 to read as follows:

Sec. 4. Section 19, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.15, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 19. Exceptions.

"Nothing in this Act shall be construed to apply to the following:

"(1) Persons engaged in the practice of measuring human hearing as a part of the academic curriculum of an accredited institution of higher learning, provided such persons or their employees do not sell hearing aids.

"(2) Persons engaged in the practice of measuring human hearing as a part of a program conducted by a nonprofit organization, provided such organization or its employees does not sell hearing aids.

"(3) Physicians and surgeons duly licensed by the Texas State Board of Medical Examiners and qualified to practice in the State of Texas.

"(4) Persons employed and directly supervised by a physician and surgeon to test or measure human hearing, provided such persons do not sell hearing aids."

Amend HB 1482, Second Printing, by renumbering Section 3 and adding a new Section 5 to read as follows:

Sec. 5. Section 15, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.15, Vernon's Texas Civil Statutes), is amended by adding a new Subsection (c) to read as follows:

"(c) It is unlawful for any licensee to:

"(1) fail to clearly disclose his name, business address, and the purpose of the communication in any telephone solicitation of potential customers;

"(2) use or purchase for use a list of names of potential customers compiled by a person by telephone other than the licensee, his authorized agent or another licensee."

The amendments were severally adopted without objection.

HB 1482, as amended, was passed to engrossment.

HB 1482 ON THIRD READING

Mr. Sherman moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 1482 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—114

Agnich	Clayton	Hawn	McKissack
Allen, Joe	Coats	Haynes	Mengden
Allen, John	Cobb	Head	Moncrief
Allred	Cole	Heatly	Moore, A.
Angly	Craddick	Hendricks	Moore, T.
Atwell	Cruz	Hilliard	Moreno
Baker	Davis, D.	Holmes, T.	Murray
Bass, B.	Davis, H.	Howard	Nelms
Beckham	Denton	Hubenak	Nichols
Bigham	Doyle	Hull	Niland
Blanton	Finnell	Ingram	Ogg
Blythe	Finney	Johnson	Orr
Braecklein	Floyd	Jones, E.	Parker, C.
Braun	Foreman	Jungmichel	Parker, W.
Burgess	Gammage	Kost	Patterson
Bynum	Garcia	Kubiak	Poerner
Calhoun	Golman	Lemmon	Presnal
Carrillo	Grant	Lewis	Price
Cates	Hale	Lombardino	Rodriguez
Cavness	Hanna, Joe	Longoria	Rosson
Christian	Harris	Lovell	Salem
Clark	Hawkins	McAlister	Salter

Sanchez	Silber	Stroud	Ward
Santiesteban	Slack	Swanson	Wieting
Schulle	Slider	Tarbox	Williams
Semos	Smith	Traeger	Williamson
Shannon	Solomon	Truan	Wyatt
Sherman	Spurlock	Tupper	
Short	Stewart	Von Dohlen	

Nays—24

Adams	Dramberger	Lee	Reed
Atwood	Earthman	Ligarde	Simmons
Bass, T.	Farenthold	Nabers	Uher
Bowers	Finck	Nugent, J.	Vale
Caldwell	Graves	Pickens	Wayne
Doran	Kaster	Poff	Wolff

Absent

Boyle	Harding	Kilpatrick	Neugent, D.
Daniel	Jones, D.	Moore, G.	Newton
Hannah, John	Jones, G.		

Absent-Excused**Holmes, Z.**

The Speaker then laid HB 1482 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—124

Agnich	Cobb	Harris	Longoria
Allen, Joe	Cole	Hawkins	McAlister
Angly	Craddick	Hawn	McKissack
Atwell	Cruz	Haynes	Mengden
Atwood	Daniel	Heatly	Moncrief
Baker	Davis, D.	Hendricks	Moore, A.
Bass, B.	Davis, H.	Hilliard	Moore, T.
Bass, T.	Denton	Holmes, T.	Moreno
Beckham	Doyle	Hubenak	Nelms
Bigham	Dramberger	Hull	Nichols
Blanton	Earthman	Ingram	Niland
Blythe	Finck	Jones, D.	Nugent, J.
Bowers	Finnell	Jones, E.	Ogg
Braecklein	Floyd	Jones, G.	Orr
Braun	Foreman	Jungmichel	Parker, C.
Burgess	Gammage	Kaster	Parker, W.
Bynum	Garcia	Kost	Pickens
Carrillo	Golman	Kubiak	Poerner
Cates	Grant	Lee	Presnal
Cavness	Graves	Lemmon	Price
Christian	Hale	Lewis	Reed
Clark	Hanna, Joe	Ligarde	Rodriguez
Clayton	Hannah, John	Lombardino	Rosson

Salem	Short	Stewart	Von Dohlen
Salter	Silber	Stroud	Ward
Sanchez	Simmons	Swanson	Wayne
Santiesteban	Slack	Tarbox	Wieting
Schulle	Slider	Traeger	Williams
Semos	Smith	Truan	Williamson
Shannon	Solomon	Tupper	Wolff
Sherman	Spurlock	Vale	Wyatt

Nays—16

Adams	Caldwell	Farenthold	Nabers
Allen, John	Calhoun	Finney	Patterson
Allred	Coats	Head	Poff
Boyle	Doran	Howard	Uher

Present—Not Voting**Harding****Absent**

Johnson	Lovell	Murray	Newton
Kilpatrick	Moore, G.	Neugent, D.	

Absent-Excused**Holmes, Z.**

Mr. Sherman moved to reconsider the vote by which HB 1482 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 626 ON SECOND READING

Mr. Hendricks moved that all necessary rules be suspended to take up and consider at this time, HB 626.

The motion prevailed without objection.

The Speaker laid before the House on its second reading and passage to engrossment,

HB 626, A bill to be entitled An Act validating the incorporation of all cities and towns of 5,000 inhabitants or less, heretofore incorporated or attempted to be incorporated under the General Laws of Texas; validating the boundary lines thereof; validating governmental proceedings; providing that this Act shall not apply to any city or town now involved in litigation questioning the legality of the incorporation; and declaring an emergency.

The bill was read second time.

Mr. Hendricks offered the following amendments to the bill:

Amend HB 626 on line 16 by striking the words "of 5,000 inhabitants or

less," and substituting in lieu thereof, the following: "with not more than 750 inhabitants, nor less than 300 inhabitants."

Amend the caption of HB 626 on lines 8 and 9, by striking the words "of 5,000 inhabitants or less," and substituting in lieu thereof the following: "of not more than 750 inhabitants, nor less than 300 inhabitants."

The amendments were severally adopted without objection.

HB 626, as amended, was passed to engrossment.

HB 626 ON THIRD READING

Mr. Hendricks moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 626 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—127

Adams	Davis, H.	Jungmichel	Salter
Agnich	Denton	Kost	Sanchez
Allen, Joe	Doyle	Kubiak	Santiesteban
Allen, John	Dramberger	Lee	Schulle
Allred	Farenthold	Lemmon	Semos
Angly	Finnell	Lewis	Shannon
Atwood	Finney	Ligarde	Sherman
Baker	Floyd	Lombardino	Short
Bass, B.	Foreman	Longoria	Silber
Bass, T.	Gammage	Lovell	Simmons
Beckham	Garcia	McAlister	Slack
Bigham	Golman	McKissack	Slider
Blanton	Grant	Moncrief	Smith
Blythe	Hale	Moore, A.	Solomon
Boyle	Harding	Moore, T.	Spurlock
Braecklein	Harris	Murray	Stewart
Braun	Hawkins	Nabers	Stroud
Burgess	Hawn	Nelms	Swanson
Bynum	Haynes	Newton	Tarbox
Caldwell	Head	Nichols	Traeger
Carrillo	Heatly	Niland	Truan
Cates	Hendricks	Ogg	Tupper
Cavness	Hilliard	Orr	Vale
Christian	Holmes, T.	Parker, C.	Von Dohlen
Clark	Howard	Parker, W.	Ward
Clayton	Hubenak	Patterson	Wayne
Coats	Hull	Poerner	Wieting
Cobb	Ingram	Poff	Williams
Cole	Johnson	Presnal	Williamson
Craddick	Jones, D.	Price	Wolff
Daniel	Jones, E.	Rodriguez	Wyatt
Davis, D.	Jones, G.	Salem	

Nays—14

Bowers	Finck	Mengden	Reed
Calhoun	Graves	Moreno	Rosson
Doran	Hanna, Joe	Pickens	Uher
Earthman	Kaster		

Absent

Atwell	Hannah, John	Moore, G.	Nugent, J.
Cruz	Kilpatrick	Neugent, D.	

Absent-Excused

Holmes, Z.

The Speaker then laid HB 626 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—141

Adams	Davis, H.	Kost	Salem
Agnich	Denton	Kubiak	Salter
Allen, Joe	Doran	Lee	Sanchez
Allen, John	Doyle	Lemmon	Santiesteban
Allred	Dramberger	Lewis	Schulle
Angly	Earthman	Ligarde	Semos
Atwell	Farenthold	Lombardino	Shannon
Atwood	Finck	Longoria	Sherman
Baker	Finnell	Lovell	Short
Bass, B.	Finney	McAlister	Silber
Bass, T.	Floyd	McKissack	Simmons
Beckham	Foreman	Mengden	Slack
Bigham	Gammage	Moncrief	Slider
Blanton	Garcia	Moore, A.	Smith
Blythe	Golman	Moore, T.	Solomon
Bowers	Grant	Moreno	Spurlock
Boyle	Graves	Murray	Stewart
Braecklein	Hale	Nabers	Stroud
Braun	Hanna, Joe	Nelms	Swanson
Burgess	Harding	Newton	Tarbox
Bynum	Hawkins	Nichols	Traeger
Caldwell	Hawn	Niland	Truan
Calhoun	Haynes	Nugent, J.	Tupper
Carrillo	Head	Ogg	Uher
Cates	Heatly	Orr	Vale
Cavness	Hendricks	Parker, C.	Von Dohlen
Christian	Hilliard	Parker, W.	Ward
Clark	Holmes, T.	Patterson	Wayne
Clayton	Howard	Pickens	Wieting
Coats	Hubenak	Poerner	Williams
Cobb	Hull	Poff	Williamson
Cole	Jones, D.	Presnal	Wolff
Craddick	Jones, E.	Price	Wyatt
Cruz	Jungmichel	Reed	
Daniel	Kaster	Rodriguez	
Davis, D.	Kilpatrick	Rosson	

Nays—1

Johnson

Absent**Hannah, John
Harris****Ingram
Jones, G.****Moore, G.****Neugent, D.****Absent-Excused****Holmes, Z.**

Mr. Hendricks moved to reconsider the vote by which HB 626 was passed and to table the motion to reconsider.

The motion to table prevailed.

COMMITTEE MEETING

Mr. Slider asked unanimous consent of the House that the Committee on State Affairs be permitted to meet at this time.

There was no objection offered.

MEMORIAL RESOLUTION ADOPTED

The following Memorial Resolution was adopted unanimously by a rising vote:

HSR 568, by Tom Holmes: In memory of W. H. (Hutch) Hutcheson.

COMMITTEE MEETING

Mr. Orr asked unanimous consent of the House that the Committee on Youth be permitted to meet at this time.

There was no objection offered.

HCR 167—ADOPTED

(Requesting the Senate to send a duplicate copy of SB 778 to the House)

Mr. Smith offered the following resolution:

HCR 167

Whereas, SB 778 has passed the Senate and is in the House of Representatives; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Senate be respectfully requested to send a duplicate copy of said SB 778 with proper endorsements back to the House in order for the House to consider said bill.

The resolution was adopted without objection.

SB 537—CONSIDERATION OF CONFERENCE COMMITTEE
REPORT

Mr. Cobb submitted the following Conference Committee Report on
SB 537:

Austin, Texas
May 21, 1971

Honorable Ben Barnes
President of the Senate

Honorable Gus Mutscher
Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 537 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

On the part of the Senate: Mauzy
Schwartz
Bernal
Wallace
Patman

On the part of the House: Cobb
Wayne
W. Parker
Stroud

SB 537, An Act requiring political parties with statewide organization to adopt and file rules for the conduct of party affairs; amending the Texas Election Code by adding Section 220b; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. The Texas Election Code is amended by adding Section 220b, to read as follows:

"220b. Party rules.

"Subdivision 1. On a date no later than 30 days prior to the first precinct convention to be held in 1972, each political party with a statewide organization which made any nomination for the 1970 general election or plans to make any nomination for the 1972 general election shall file with the Secretary of State a set of specific, detailed, and written party rules for the conduct of its conventions, executive meetings, and any other party meetings.

"Subdivision 2. The rules shall state, or adopt by reference, the rules of parliamentary procedure which govern the conduct of the party's conventions and meetings from the precinct level through the state level, including rules on quorums, methods by which votes shall be cast and

counted, the operation of committees, the appointment and duties of convention committees, presentation of delegate nominations, presentation of resolutions and other matters for consideration by a convention, and the method of selecting presidential elector candidates. The rules shall prohibit proxy voting within the party at any level. Further, the rules shall provide for the nomination, election and formulae for representative apportionment within the state of all party officials, convention delegates and alternates, and convention officials, except for those party officials and delegates whose election is presently regulated by statute and except for the state's representatives on the National Committee. The rules shall provide for the nomination and election of the state's representatives on the National Committee. Any formulae for apportionment adopted in the rules of any party must be based upon relative population or party strength within participating units, or both, provided that state party rules comply with the rules, regulations, and official convention call of the party's national committee, where said rules pertain to national conventions. The rules must provide for the periodic and timely publicizing of such rules, the processes and procedures by which the party rules and procedures must be adopted and amended, and any other matters within the discretion of the party. They may not conflict with any statutory prescription or prohibition.

"Subdivision 3. The chairman of the state executive committee of the party is responsible for filing a copy of the rules with the Secretary of State, but any member of the state executive committee may file the rules if the chairman fails to do so. The rules must be certified by the state chairman or by two other members of the state committee as having been adopted at a state convention of the party, with the date and place of holding the convention shown in the certificate, except that temporary rules for 1972 may be adopted by the state executive committee of the party subject to action by the next state convention as provided in Subdivision 6. These party rules shall be published and made available through state party headquarters to any interested person on request.

"Subdivision 4. The rules may be changed only by action of a state convention. When any change is made, a certified copy of the changes shall be filed with the Secretary of State, in the manner described in Subdivision 3, not later than 30 days following their adoption.

"Subdivision 5. The rules as filed with the Secretary of State shall govern the conduct of the party's conventions and the meetings of its executive committees. Observance of a rule may be enforced through mandamus proceedings as provided in Section 218 of this code and Chapter 723, Acts of the 60th Legislature, 1967 (Article 1735a, Vernon's Texas Civil Statutes), the same as if the rule were embraced in this code.

"Subdivision 6. If on January 1 of a year in which a general election is held, a party which had nominees on the ballot at either of the last three general elections has not filed a set of rules in accordance with this section, the Secretary of State shall give written notice to the state chairman of the party within 15 days thereafter, informing him that no nominee of the party will be placed on the ballot for the general election that year unless the rules are filed not later than 30 days prior to the first precinct convention to be held that year, provided that for 1972, the State Executive Committee of the party may adopt temporary rules to be ratified in ac-

cordance with this Subdivision. Any duly constituted, properly representative committee of the party, on authorization of the state chairman or a majority of the state executive committee, may draft temporary rules to be put into effect by a majority vote of the state executive committee. These temporary rules must be submitted, with advance publicity preceding their presentation, as an item of business on the official agenda of the party's next state convention for debate, amendment and permanent ratification. The Secretary of State shall notify each county clerk, not later than the date of the general primary election that year, of any such political party which has failed to comply with the requirements of this section. Neither the Secretary of State nor any county clerk may accept a certification of nominations made by a defaulting party for the general election that year, and no nominee of that party may be placed on the ballot for the election."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Cobb moved to adopt the Conference Committee Report on SB 537.

Mr. Grant Jones moved, as a substitute motion, to not adopt the Conference Committee Report on SB 537 and that a new Conference Committee be appointed.

Mr. Carl Parker moved to table the substitute motion to not adopt the Conference Committee Report.

The motion to table was lost by the following vote:

Yeas—40

Allen, Joe	Cruz	Head	Parker, C.
Allred	Denton	Hendricks	Reed
Bass, B.	Farenthold	Johnson	Rodriguez
Bass, T.	Finnell	Kost	Salem
Bigham	Gammage	Kubiak	Santiesteban
Braun	Grant	Ligarde	Smith
Caldwell	Graves	Moore, T.	Stroud
Carrillo	Hale	Moreno	Truan
Clark	Harris	Nelms	Vale
Cobb	Haynes	Nichols	Williams

Nays—105

Adams	Bowers	Clayton	Earthman
Agnich	Boyle	Coats	Finck
Allen, John	Braecklein	Cole	Finney
Angly	Burgess	Craddick	Floyd
Atwell	Bynum	Davis, D.	Foreman
Atwood	Calhoun	Davis, H.	Garcia
Baker	Cates	Doran	Golman
Blanton	Cavness	Doyle	Hanna, Joe
Blythe	Christian	Dramberger	Hannah, John

Harding	Lombardino	Patterson	Solomon
Hawkins	Longoria	Pickens	Spurlock
Hawn	Lovell	Poerner	Stewart
Heatly	McAlister	Poff	Swanson
Hilliard	McKissack	Presnal	Tarbox
Holmes, T.	Mengden	Price	Traeger
Howard	Moncrief	Rosson	Tupper
Hubenak	Moore, A.	Salter	Uher
Hull	Moore, G.	Sanchez	Von Dohlen
Jones, D.	Murray	Schulle	Ward
Jones, E.	Nabers	Semos	Wayne
Jones, G.	Neugent, D.	Shannon	Wieting
Jungmichel	Newton	Sherman	Williamson
Kaster	Niland	Short	Wolff
Kilpatrick	Nugent, J.	Silber	Wyatt
Lee	Ogg	Simmons	
Lemmon	Orr	Slack	
Lewis	Parker, W.	Slider	

Absent

Beckham	Daniel	Ingram
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Absent-Excused**Holmes, Z.**

The substitute motion then prevailed.

**SB 537—APPOINTMENT OF CONFERENCE
COMMITTEE**

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on SB 537:

Representatives Cobb, Grant Jones, Hale, Traeger, and Cavness.

COMMITTEE MEETING

Mr. Hale asked unanimous consent of the House that the Committee on Judiciary be permitted to meet at this time.

There was no objection offered.

HB 1779 ON SECOND READING

Mr. Lombardino moved that all necessary rules be suspended to take up and consider at this time, HB 1779.

The motion prevailed.

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1779, A bill to be entitled An Act relating to the management, control, and disposition of community property and a sale without joinder of a community homestead when one spouse is a prisoner of war or missing

in action; relating to a receivership for separate property of a prisoner of war or a person missing in action; amending Sections 5.25 and 5.85, Title 1 of the Family Code; and declaring an emergency.

The bill was read second time.

Mr. Lombardino offered the following amendment to the bill:

Amend HB 1779 by striking all of Sections 1 and 2 of the bill and substituting the following:

Section 1. Title 1 of the Family Code is amended by adding a new Section 5.26 to read as follows:

“Section 5.26. Circumstance of Person Missing in Action or Prisoner of War

“(a) If a spouse is reported by the United States Department of Defense to be a prisoner of war or missing in action, then not less than six months thereafter the spouse of a prisoner of war or person missing in action, may file a sworn petition stating the facts that make it desirable for the petitioning spouse to manage, control, and dispose of community property (described or defined in the petition) that would otherwise be subject to the sole or joint management, control, and disposition of the other.

“(b) The petition shall be filed in a district court of the county in which the petitioning spouse resided at the time the United States Department of Defense report was made. If both spouses are nonresidents of the state at that time, the petition shall be filed in the district court of any county in which any part of the described or defined community property is located.

“(c) The court shall appoint an attorney ad litem for the prisoner of war or person missing in action and shall allow him a reasonable fee for his services to be taxed as a part of the costs.

“(d) A notice stating that the petition has been filed and specifying the date of the hearing, accompanied by a copy of the petition, shall be issued and served on the attorney ad litem representing respondent spouse as in other cases.

“(e) After hearing the evidence, the court, on terms it deems just and equitable, shall enter an order describing or defining the community property at issue that will be subject to the management, control, and disposition of each spouse during marriage.

“(f) The jurisdiction of the court is continuing, and on motion of either spouse, after notice stating that the motion has been filed and specifying the date of the hearing, accompanied by a copy of the motion, has been issued and served on the respondent spouse as in other cases, the court shall amend or vacate the original order if the spouse who was a prisoner of war or missing in action returns.

“(g) An order authorized by Subsection (e) of this section affecting real property is void as against a good faith purchaser for value or against a creditor without notice unless the order is recorded in the deed records of the county in which the real property is located.

"(h) In the exercise of its equity powers, the court may impose any conditions and restrictions it deems necessary to protect the rights of the other spouse. The court may require a bond conditioned on faithful administration of the proceeds or may require payment of all or a portion of the proceeds to the registry of the court, to be disbursed in accordance with the court's further directions.

"(i) This section is cumulative of the rights, powers, and remedies otherwise afforded the spouses by law."

Sec. 2. Title 1 of the Family Code is amended by adding a new Section 5.87 to read as follows:

"Section 5.87. Community Homestead; Circumstance of Person Missing in Action or Prisoner of War; Sale Without Joinder

"(a) If the homestead is the community property of the spouses and if a spouse is reported by the United States Department of Defense to be a prisoner of war or missing in action, then not less than six months thereafter the spouse of the prisoner of war or person missing in action, who desires to sell, convey, or encumber the community homestead of the spouses, may file a sworn petition giving a description of the property and stating the facts that make it desirable for the petitioning spouse to sell, convey, or encumber the homestead without the joinder of the other spouse.

"(b) The petition shall be filed in a district court of the county in which any portion of the property is located. The court shall appoint an attorney ad litem for the prisoner of war or person missing in action and shall allow him a reasonable fee for his services to be taxed as a part of the costs. Notice shall be issued and served in the manner provided in Subsection (d) of Section 5.26 of this code.

"(c) After hearing the evidence, the court shall enter an order granting relief if it appears necessary or advisable, and on terms the court deems advisable.

"(d) In the exercise of its equity powers, the court may impose any conditions and restrictions it deems necessary to protect the rights of the other spouse. The court may require a bond conditioned on faithful administration of the proceeds or may require payment of all or a portion of the proceeds to the registry of the court, to be disbursed in accordance with the court's further directions.

"(e) This section is cumulative of the rights, powers, and remedies otherwise afforded the spouses by law."

The amendment was adopted without objection.

HB 1779, as amended, was passed to engrossment.

HB 1779 ON THIRD READING

Mr. Lombardino moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 1779 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—122

Adams	Davis, D.	Jones, D.	Rosson
Agnich	Davis, H.	Jones, E.	Salem
Allen, Joe	Denton	Jones, G.	Salter
Allen, John	Doyle	Jungmichel	Sanchez
Allred	Dramberger	Kost	Schulle
Angly	Earthman	Lemmon	Semos
Atwell	Farenthold	Lewis	Shannon
Baker	Finck	Lombardino	Sherman
Bass, B.	Finnell	Lovell	Silber
Beckham	Finney	McAlister	Simmons
Bigham	Foreman	McKissack	Slack
Blanton	Gammage	Moncrief	Slider
Blythe	Garcia	Moore, A.	Smith
Boyle	Golman	Moore, G.	Solomon
Braecklein	Grant	Moore, T.	Spurlock
Braun	Hale	Murray	Stewart
Burgess	Hannah, John	Nabers	Stroud
Bynum	Harding	Nelms	Swanson
Calhoun	Harris	Neugent, D.	Tarbox
Carrillo	Hawkins	Newton	Traeger
Cates	Hawn	Nichols	Truan
Cavness	Haynes	Ogg	Tupper
Christian	Head	Orr	Vale
Clark	Heatly	Parker, C.	Ward
Clayton	Hendricks	Parker, W.	Wieting
Coats	Holmes, T.	Patterson	Williams
Cobb	Howard	Pickens	Williamson
Cole	Hubenak	Poerner	Wolff
Craddick	Hull	Presnal	Wyatt
Cruz	Ingram	Price	
Daniel	Johnson	Rodriguez	

Nays—20

Atwood	Floyd	Ligarde	Poff
Bass, T.	Graves	Longoria	Reed
Bowers	Kaster	Mengden	Short
Caldwell	Kubiak	Moreno	Uher
Doran	Lee	Nugent, J.	Von Dohlen

Present—Not Voting

Kilpatrick

Absent

Hanna, Joe	Niland	Santiesteban	Wayne
Hilliard			

Absent-Excused

Holmes, Z.

The Speaker then laid HB 1779 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—142

Adams	Davis, H.	Jones, E.	Price
Agnich	Denton	Jones, G.	Reed
Allen, Joe	Doran	Jungmichel	Rodriguez
Allen, John	Doyle	Kaster	Rosson
Allred	Dramberger	Kilpatrick	Salem
Angly	Earthman	Kost	Salter
Atwell	Farenthold	Kubiak	Sanchez
Atwood	Finck	Lee	Santiesteban
Baker	Finnell	Lemmon	Schulle
Bass, B.	Finney	Lewis	Semos
Bass, T.	Floyd	Lombardino	Shannon
Beckham	Foreman	Lovell	Sherman
Bigham	Gammage	McAlister	Silber
Blanton	Garcia	McKissack	Simmons
Blythe	Golman	Mengden	Slack
Bowers	Grant	Moncrief	Slider
Boyle	Graves	Moore, A.	Smith
Braecklein	Hale	Moore, G.	Solomon
Braun	Hanna, Joe	Moore, T.	Spurlock
Burgess	Hannah, John	Murray	Stewart
Bynum	Harding	Nabers	Stroud
Caldwell	Harris	Nelms	Swanson
Calhoun	Hawkins	Neugent, D.	Tarbox
Carrillo	Hawn	Newton	Traeger
Cates	Haynes	Nichols	Truan
Cavness	Head	Niland	Tupper
Christian	Heatly	Nugent, J.	Vale
Clark	Hendricks	Ogg	Von Dohlen
Clayton	Hilliard	Orr	Ward
Coats	Holmes, T.	Parker, C.	Wieting
Cobb	Howard	Parker, W.	Williams
Cole	Hubenak	Patterson	Williamson
Craddick	Hull	Pickens	Wolff
Cruz	Ingram	Poerner	Wyatt
Daniel	Johnson	Poff	
Davis, D.	Jones, D.	Presnal	

Nays—5

Ligarde	Moreno	Short	Uher
Longoria			

Absent

Wayne

Absent-Excused

Holmes, Z.

Mr. Kost moved to reconsider the vote by which HB 1779 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 203 WITH SENATE AMENDMENTS

Mr. Jim Nugent called up with Senate Amendments for consideration at this time,

HB 203, Establishing standards of conduct for Members of the Legislature, state officials, etc.

Mr. Jim Nugent moved that the House do not concur in the Senate Amendments and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

VOTES RECORDED

Representatives Vale, Farenthold, Kubiak, Moreno, Tom Bass, Braun, Graves, Nichols, Reed, Williams, Tupper, Wolff, Coats, and Wyatt requested to be recorded as voting Nay on motion to not concur in Senate Amendments to HB 203 and to request the appointment of a Conference Committee.

HB 203—APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on HB 203:

Representatives Jim Nugent, Pickens, Grant Jones, Blanton, and Cobb.

MEMORIAL RESOLUTION ADOPTED

The following Memorial Resolution was adopted unanimously by a rising vote:

HCR 166, by Head: In memory of Merideth Odell Morton.

On motion of Mr. Grant, the names of all the Members of the House were added to the resolution as signers thereof.

SB 149 ON SECOND READING (Mr. Coats—House Sponsor)

Mr. Coats moved that all necessary rules be suspended to take up and consider at this time, SB 149.

The motion prevailed without objection.

The Speaker laid before the House on its second reading and passage to third reading,

SB 149, A bill to be entitled An Act relating to the protection of children

from abuse and neglect; amending Chapter 117, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 695c-2, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to third reading.

SB 149 ON THIRD READING

Mr. Coats moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 149 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—134

Adams	Davis, D.	Kaster	Reed
Agnich	Davis, H.	Kilpatrick	Rodriguez
Allen, Joe	Denton	Kost	Rosson
Allen, John	Doyle	Kubiak	Salem
Allred	Dramberger	Lee	Salter
Angly	Farenthold	Lemmon	Sanchez
Atwell	Finnell	Lewis	Santiesteban
Atwood	Finney	Ligarde	Schulle
Baker	Foreman	Lombardino	Semos
Bass, B.	Gammage	Longoria	Shannon
Bass, T.	Garcia	Lovell	Short
Beckham	Golman	McAlister	Silber
Bigham	Grant	McKissack	Simmons
Blanton	Hale	Mengden	Slack
Blythe	Hanna, Joe	Moncrief	Slider
Boyle	Hannah, John	Moore, A.	Smith
Braecklein	Harding	Moore, G.	Solomon
Braun	Harris	Moore, T.	Spurlock
Burgess	Hawkins	Moreno	Stroud
Bynum	Hawn	Murray	Swanson
Caldwell	Haynes	Nabers	Tarbox
Calhoun	Head	Nelms	Traeger
Carrillo	Heatly	Neugent, D.	Truan
Cates	Hendricks	Newton	Tupper
Cavness	Hilliard	Nichols	Vale
Christian	Holmes, T.	Niland	Ward
Clark	Howard	Ogg	Wayne
Clayton	Hubenak	Orr	Wieting
Coats	Hull	Parker, C.	Williams
Cobb	Ingram	Parker, W.	Williamson
Cole	Johnson	Patterson	Wolff
Craddick	Jones, D.	Poff	Wyatt
Cruz	Jones, E.	Presnal	
Daniel	Jungmichel	Price	

Nays—11

Bowers	Finck	Nugent, J.	Uher
Doran	Floyd	Pickens	Von Dohlen
Earthman	Graves	Poerner	

Absent

Jones, G.	Sherman	Stewart
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Absent-Excused

Holmes, Z.

The Speaker then laid SB 149 before the House on third reading and final passage.

(Mr. Shannon in the Chair)

The bill was read third time and was passed by the following vote:

Yeas—145

Adams	Davis, D.	Hull	Ogg
Agnich	Davis, H.	Ingram	Orr
Allen, Joe	Denton	Johnson	Parker, C.
Allen, John	Doran	Jones, D.	Parker, W.
Allred	Doyle	Jones, E.	Patterson
Angly	Dramberger	Jungmichel	Pickens
Atwell	Earthman	Kaster	Poerner
Atwood	Farenthold	Kilpatrick	Poff
Baker	Finck	Kost	Presnal
Bass, B.	Finnell	Kubiak	Price
Bass, T.	Finney	Lee	Reed
Beckham	Floyd	Lemmon	Rodriguez
Bigham	Foreman	Lewis	Rosson
Blanton	Gammage	Ligarde	Salem
Blythe	Garcia	Lombardino	Salter
Bowers	Golman	Longoria	Sanchez
Braecklein	Grant	Lovell	Santiesteban
Braun	Graves	McAlister	Schulle
Burgess	Jale	McKissack	Semos
Bynum	Hanna, Joe	Mengden	Shannon
Caldwell	Hannah, John	Monerief	Sherman
Calhoun	Harding	Moore, A.	Short
Carrillo	Harris	Moore, G.	Silber
Cates	Hawkins	Moore, T.	Simmons
Cavness	Hawn	Moreno	Slack
Christian	Haynes	Murray	Slider
Clark	Head	Nabers	Smith
Clayton	Heatly	Nelms	Solomon
Coats	Hendricks	Neugent, D.	Spurlock
Cobb	Hilliard	Newton	Stewart
Cole	Holmes, T.	Nichols	Stroud
Craddick	Howard	Niland	Swanson
Cruz	Hubenak	Nugent, J.	Tarbox

Traeger	Vale	Wieting	Wyatt
Truan	Von Dohlen	Williams	
Tupper	Ward	Williamson	
Uher	Wayne	Wolff	

Absent

Boyle	Daniel	Jones, G.
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Absent-Excused

Holmes, Z.

Mr. Coats moved to reconsider the vote by which SB 149 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 1867 ON SECOND READING

Mr. Baker moved that all necessary rules be suspended to take up and consider at this time, HB 1867.

The motion prevailed without objection.

The Chair laid before the House on its second reading and passage to engrossment,

HB 1867, Relating to the salaries of district and county officials in certain counties.

The bill was read second time.

Mr. Baker offered the following amendment to the bill:

Amend HB 1867 by deleting the words "Nine Thousand Six Hundred Dollars (\$9,600)" in lines 24 and 25 and substituting therefor the words "Eleven Thousand (\$11,000)"

The amendment was adopted without objection.

HB 1867, as amended, was passed to engrossment.

HB 1867 ON THIRD READING

Mr. Baker moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 1867 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—135

Adams	Allred	Baker	Bigham
Agnich	Angly	Bass, B.	Blanton
Allen, Joe	Atwell	Bass, T.	Blythe
Allen, John	Atwood	Beckham	Bowers

Braecklein	Grant	McAlister	Santiesteban
Braun	Hale	McKissack	Schulle
Burgess	Hanna, Joe	Mengden	Semos
Bynum	Hannah, John	Moncrief	Sherman
Calhoun	Harding	Moore, A.	Short
Carrillo	Harris	Moore, G.	Silber
Cates	Hawkins	Moore, T.	Simmons
Cavness	Hawn	Moreno	Slack
Christain	Haynes	Murray	Slider
Clark	Head	Nabers	Smith
Clayton	Heatly	Nelms	Solomon
Coats	Hendricks	Newton	Spurlock
Cobb	Hilliard	Nichols	Stewart
Cole	Holmes, T.	Niland	Stroud
Craddick	Howard	Ogg	Swanson
Cruz	Hubenak	Orr	Tarbox
Davis, D.	Hull	Parker, C.	Traeger
Davis, H.	Jones, E.	Parker, W.	Truan
Denton	Jungmichel	Patterson	Tupper
Doyle	Kaster	Pickens	Uher
Dramberger	Kilpatrick	Poerner	Vale
Earthman	Kost	Poff	Von Dohlen
Farenthold	Kubiak	Presnal	Ward
Finck	Lee	Price	Wayne
Finnell	Lemmon	Reed	Wieting
Finney	Lewis	Rodriguez	Williams
Foreman	Ligarde	Rosson	Williamson
Gammage	Lombardino	Salem	Wolff
Garcia	Longoria	Salter	Wyatt
Golman	Lovell	Sanchez	

Nays—4

Doran	Floyd	Graves	Nugent, J.
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In The Chair**Shannon****Absent**

Boyle	Daniel	Johnson	Jones, G.
Caldwell	Ingram	Jones, D.	Neugent, D.

Absent-Excused**Holmes, Z.**

The Chair then laid HB 1867 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Baker moved to reconsider the vote by which HB 1867 was passed and to table the motion to reconsider.

The motion to table prevailed.

(Speaker in the Chair)

HB 1643 WITH SENATE AMENDMENTS

Mr. Grant called up with Senate Amendments for consideration at this time,

HB 1643, Relating to the compensation of the Criminal District Attorney of Harrison County.

On motion of Mr. Grant, the House concurred in the Senate Amendments to HB 1643.

HB 1643—TEXT OF SENATE AMENDMENTS

Amend HB 1643 as follows:

(1) Strike "Twenty Thousand Dollars (\$20,000)" where it appears in the quoted Subsection 4 (a) and substitute "Eighteen Thousand Dollars (\$18,000)."

(2) Strike the quoted Subsection 4 (b) and substitute the following:

"(b) The Criminal District Attorney of Harrison County, if paid at least Sixteen Thousand Dollars (\$16,000) per year, and his assistants, if paid at least Ten Thousand Dollars (\$10,000) per year, may not engage in the private practice of civil law and may not refer legal business to others engaged in the private practice of law. This subsection does not apply to those acts required in the performance of the official duties as Criminal District Attorney."

Amend caption to conform to body of bill.

COMMITTEE MEETINGS

Mr. Carl Parker asked unanimous consent of the House that the Committee on Judicial Districts be permitted to meet at this time.

There was no objection offered.

Mr. Solomon asked unanimous consent of the House that the Committee on Banks and Banking be permitted to meet at this time.

There was no objection offered.

HB 1203 WITH SENATE AMENDMENT

Mr. Doran called up with Senate Amendment for consideration at this time,

HB 1203, Relating to the appointment of special rangers by the Public Safety Commission.

On motion of Mr. Doran, the House concurred in the Senate Amendment to HB 1203.

Mr. Doran moved to reconsider the vote by which the House concurred in the Senate Amendment to HB 1203 and to table the motion to reconsider.

The motion to table prevailed.

VOTE RECORDED

Mr. Rodriguez requested to be recorded as voting Nay on the motion to concur in the Senate Amendment to HB 1203.

HB 1203—TEXT OF SENATE AMENDMENT

HB 1203, An Act amending and reenacting Section 11, Chapter 181, Acts of the 44th Legislature, 1935, as amended (Article 4413(11), Vernon's Texas Civil Statutes), by authorizing the Public Safety Commission to appoint retired Department of Public Safety officers as Special Rangers; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. Section 11, Chapter 181, Acts of the 44th Legislature, 1935, as amended (Article 4413(11), Vernon's Texas Civil Statutes), is amended so as hereafter to read as follows:

"Section 1. The Texas Rangers. (1) The Texas Ranger Force and its personnel, property, equipment and records, now a part of the Adjutant General's Department of the State of Texas, are hereby transferred to and placed under the jurisdiction of the Department of Public Safety, and are hereby designated as the Texas Rangers, and as such, constitute the above-mentioned division of the Department.

"(2) The Texas Rangers shall consist of six (6) captains, one headquarters sergeant, and such number of privates as may be authorized by the Legislature, except in cases of emergency when the Commission, with the consent of the Governor, shall have authority to increase the force to meet extraordinary conditions.

"(3) The compensation of the officers shall be such as allowed by the Legislature.

"(4) The officers shall be clothed with all the powers of peace officers, and shall aid in the execution of the laws.

"They shall have authority to make arrests, and to execute process in criminal cases; and in civil cases when specially directed by the judge of a court of record; and in all cases shall be governed by the laws regulating and defining the powers and duties of sheriffs when in the discharge of similar duties; except that they shall have the power and shall be authorized to make arrests and to execute all process in criminal cases in any county in the state. All officers operating by virtue of this Act shall have the authority to make arrests, as directed by warrants, and without a warrant under the conditions now authorized by law, and also in all cases when the alleged offender is traveling on a railroad, in a motor vehicle, aeroplane or boat. When any of said force shall arrest any person charged with a criminal offense, they shall forthwith convey said person to the county where he so stands charged, and shall deliver him to the proper officer, taking his receipt therefor. All necessary expenses thus incurred shall be paid by the state.

"(5) Special Rangers. The Commission shall have authority to appoint as Special Rangers honorably retired commissioned officers of the Texas Department of Public Safety, and shall, in addition, have authority to appoint such number of Special Rangers as may be deemed advis-

able, not to exceed three hundred (300) in number; such rangers shall not have any connection with any Ranger Company or uniformed unit of the Department of Public Safety, but they shall at all times be subject to the orders of the Commission and the Governor for special duty to the same extent as the other law enforcement officers provided for in this Act; such Special Rangers, however, shall not have the authority to enforce any laws except those designed to protect life and property, and such rangers are especially denied the authority to enforce any laws regulating the use of the state highways by motor trucks and motor buses and other motor vehicles. Such rangers shall not receive any compensation from the state for their services, and before the issuance of the commission each such ranger shall enter into a good and sufficient bond executed by a surety company authorized to do business in Texas in the sum of Twenty-five Hundred Dollars (\$2,500), approved by the Director, indemnifying all persons against damages accruing as the result of any illegal or unlawful acts on the part of such Special Ranger. All Special Ranger Commissions shall expire on January 1st of the odd year after appointment, and the Director can revoke any Special Ranger Commission at any time for cause, and such officer shall be designated in the Commission as Special Ranger.

"(6) In the execution of the laws of the state under the Department of Public Safety, the officials shall in all cases where it becomes necessary to seize property and destroy the same, to proceed as now provided by law; and all property so seized shall be stored and a list thereof presented to a district judge in the district where such property is seized, who shall dispose of same in the mode and manner now provided by Articles Nos. 5112, 5113 and 5114, Revised Civil Statutes, 1925.

"Any official disregarding these provisions shall by virtue thereof be subject to removal from office."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

HB 592 WITH SENATE AMENDMENTS

Mr. Gammage called up with Senate Amendments for consideration at this time,

HB 592, Relating to terms of office for members of the board of supervisors and the interest on bonds of the Willacy County Drainage District No. 1.

On motion of Mr. Gammage, the House concurred in the Senate Amendments to HB 592.

Mr. Gammage moved to reconsider the vote by which the House concurred in the Senate Amendments to HB 592 and to table the motion to reconsider.

The motion to table prevailed.

HB 592—TEXT OF SENATE AMENDMENTS

Amend HB 592 by deleting the figure "\$35,000" and substituting in lieu thereof the figure "\$34,000."

Amend caption to conform to body of bill.

HB 440 WITH SENATE AMENDMENTS

Mr. Shannon called up with Senate Amendments for consideration at this time,

HB 440, Relating to the transfer and sale of surplus and salvage equipment and material by the Board of Control.

On motion of Mr. Shannon, the House concurred in the Senate Amendments to HB 440 by the following vote:

Yeas—146

Adams	Doran	Kilpatrick	Rodriguez
Agnich	Doyle	Kost	Rosson
Allen, Joe	Dramberger	Kubiak	Salem
Allen, John	Earthman	Lee	Salter
Allred	Farenthold	Lemmon	Sanchez
Angly	Finck	Lewis	Santiesteban
Atwell	Finnell	Ligarde	Schulle
Atwood	Finney	Lombardino	Semos
Baker	Floyd	Longoria	Shannon
Bass, B.	Foreman	Lovell	Sherman
Bass, T.	Gammage	McAlister	Short
Beckham	Garcia	McKissack	Silber
Bigham	Golman	Mengden	Simmons
Blanton	Grant	Moncrief	Slack
Blythe	Graves	Moore, A.	Slider
Bowers	Hale	Moore, G.	Smith
Boyle	Hanna, Joe	Moore, T.	Solomon
Braecklein	Harding	Moreno	Spurlock
Braun	Harris	Murray	Stewart
Burgess	Hawkins	Nabers	Stroud
Bynum	Hawn	Nelms	Swanson
Caldwell	Haynes	Neugent, D.	Tarbox
Calhoun	Head	Newton	Traeger
Carrillo	Heatly	Nichols	Truan
Cates	Hendricks	Niland	Tupper
Cavness	Hilliard	Nugent, J.	Uher
Christian	Holmes, T.	Ogg	Vale
Clark	Howard	Orr	Von Dohlen
Clayton	Hubenak	Parker, C.	Ward
Coats	Hull	Parker, W.	Wayne
Cobb	Ingram	Patterson	Wieting
Cole	Johnson	Pickens	Williams
Craddick	Jones, D.	Poerner	Williamson
Cruz	Jones, E.	Poff	Wolff
Davis, D.	Jones, G.	Presnal	Wyatt
Davis, H.	Jungmichel	Price	
Denton	Kaster	Reed	

Absent

Daniel

Hannah, John

Absent-Excused

Holmes, Z.

Mr. Shannon moved to reconsider the vote by which the House concurred in the Senate Amendments to HB 440 and to table the motion to reconsider.

The motion to table prevailed.

HB 440—TEXT OF SENATE AMENDMENTS

Amend Sec. 6a (a) of HB 440 to read as follows:

"Sec. 6a (a) When a state agency reports to the Board of Control that it has surplus or salvage equipment or material, the Board shall inform other state agencies of the existence, kind, number, location and condition of the equipment or material and it shall maintain a mailing list, renewable annually, of county purchasing agents or other officers performing similar functions who have asked for information on such surplus or salvage equipment or material as the state may have available."

Amend caption to conform to body of bill.

HB 1622 WITH SENATE AMENDMENTS

Mr. Williams called up with Senate Amendments for consideration at this time,

HB 1622, Relating to the compensation of certain county officials in certain counties.

On motion of Mr. Williams, the House concurred in the Senate Amendments to HB 1622.

Mr. Williams moved to reconsider the vote by which the House concurred in the Senate Amendments to HB 1622 and to table the motion to reconsider.

The motion to table prevailed.

VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the motion to concur in the Senate Amendments to HB 1622.

HB 1622—TEXT OF SENATE AMENDMENTS

Amend HB 1622 by striking all below the enacting clause and substituting the following:

Section 1. Subsection (b), Section 8, Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3383i, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) In all counties of this state having a population of one million, seven hundred thousand (1,700,000) or more inhabitants, according to the last preceding Federal Census, the commissioners court of such counties shall fix the salaries of county officials in the following manner:

The salary of the county commissioner shall be not more than Nineteen Thousand, Eight Hundred Dollars (\$19,800.00); sheriff, not more than Twenty-seven Thousand, Six Hundred Dollars (\$27,600.00); county clerk and district clerk, not more than Twenty-four Thousand, Six Hundred Dollars (\$24,600); county treasurer, not more than Nineteen Thousand, Five Hundred Dollars (\$19,500); tax assessor and collector, not more than Thirty Thousand Dollars (\$30,000); each of such salaries shall be payable in equal monthly installments; provided, however, that the total salary received by the tax assessor and collector, including all additional fees and compensation, shall not exceed Thirty Thousand Dollars (\$30,000) per annum in the aggregate; justices of the peace and the constables at not more than Sixteen Thousand Dollars (\$16,000) per annum, to be paid in equal monthly installments; provided, however, that the justices of the peace and constables whose precincts lie wholly or in part in cities having a population of six hundred thousand (600,000) or more, according to the last preceding Federal Census, shall receive not more than Twenty-one Thousand, Six Hundred Dollars (\$21,600) per annum. The provisions of Section 18 of this Act do not apply to salaries set under this subsection."

Section 2. As used in this Act, "the last preceding Federal Census" means the 1970 census or any future decennial Federal Census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes.

Section 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amend caption to conform to body of bill.

HB 1323 WITH SENATE AMENDMENTS

Mr. Jim Nugent called up with Senate Amendments for consideration at this time,

HB 1323, Relating to transfer of the Kimble County adjunct of Texas A&M University to Texas Tech University.

Mr. Jim Nugent moved to suspend all necessary rules and concur in the Senate Amendments to HB 1323.

The motion prevailed by the following vote:

Yeas—140

Adams	Davis, H.	Kaster	Price
Agnich	Denton	Kilpatrick	Reed
Allen, Joe	Doyle	Kost	Rodriguez
Allen, John	Earthman	Kubiak	Rosson
Allred	Farenthold	Lee	Salem
Angly	Finck	Lemmon	Salter
Atwell	Finnell	Lewis	Sanchez
Atwood	Finney	Lombardino	Santiesteban
Baker	Floyd	Longoria	Schulle
Bass, B.	Foreman	Lovell	Semos
Bass, T.	Gammage	McAlister	Shannon
Beckham	Garcia	McKissack	Sherman
Bigham	Golman	Mengden	Short
Blanton	Grant	Moncrief	Silber
Blythe	Graves	Moore, A.	Simmons
Bowers	Hale	Moore, G.	Slack
Boyle	Hanna, Joe	Moore, T.	Slider
Braecklein	Hannah, John	Moreno	Smith
Braun	Harding	Murray	Solomon
Burgess	Harris	Nabers	Stewart
Bynum	Hawkins	Nelms	Stroud
Calhoun	Hawn	Neugent, D.	Swanson
Carrillo	Head	Newton	Tarbox
Cates	Heatly	Nichols	Traeger
Cavness	Hendricks	Niland	Truan
Christian	Hilliard	Nugent, J.	Tupper
Clark	Holmes, T.	Ogg	Uher
Clayton	Howard	Orr	Vale
Coats	Hubenak	Parker, C.	Von Dohlen
Cobb	Hull	Parker, W.	Ward
Cole	Ingram	Patterson	Wayne
Craddick	Johnson	Pickens	Wieting
Cruz	Jones, D.	Poerner	Williamson
Daniel	Jones, E.	Poff	Wolff
Davis, D.	Jungmichel	Presnal	Wyatt

Nays—2

Doran Spurlock

Absent

Caldwell	Haynes	Ligarde	Williams
Dramberger	Jones, G.		

Absent-Excused

Holmes, Z.

Mr. Jim Nugent moved to reconsider the vote by which the House concurred in the Senate Amendments to HB 1323 and to table the motion to reconsider.

The motion to table prevailed.

HB 1323—TEXT OF SENATE AMENDMENTS

Amend HB 1323 by changing the period to a comma on line 10, Section 1 and adding the following:

“provided however that Texas A&M University shall have the right and duty to complete its current pecan research on the property being transferred.”

Amend caption to conform to body of bill.

LEAVE OF ABSENCE GRANTED

The following Member was granted leave of absence for the remainder of today on account of important business:

Mr. Wayne on motion of Mr. Uher.

MESSAGE FROM THE SENATE

Austin, Texas, May 24, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

SB 748, By Wallace: Relating to the sale and reproduction for sale of a sound recording that is reproduced without the consent of the owner of the original recording; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

HB 1596 WITH SENATE AMENDMENTS

Mr. Haynes called up with Senate Amendments for consideration at this time,

HB 1596, Adding to the jurisdiction of the County Court at Law of Orange County.

Mr. Haynes moved that the House do not concur in the Senate Amendments and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

HB 1596—APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on HB 1596:

Representatives Haynes, Adams, Kilpatrick, Simmons, and Nabers.

BILLS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled bills:

HB 246, Amending the Water Code, concerning self-liquidating navigation districts.

HB 418, Relating to annual salaries of assistants to the county school superintendent in certain counties.

HB 579, Validating certain actions of towns and cities of this state taken during the year of 1970 when they were declared to be disaster areas.

HB 606, Creating Klein Public Utility District.

HB 607, Creating Shasla Public Utility District.

HB 608, Creating Spring Public Utility District.

HB 637, Relating to exempting from the franchise tax certain corporations providing homes for certain elderly people.

HB 826, Creating Memorial Point Utility District of Polk County.

HB 923, Creating Pine Forest Municipal Utility District.

HB 1041, Relating to mental health services.

HB 1198, Relating to reports on investments and income of the Permanent University Fund.

HB 1384, Creating Harris County Utility District No. 14.

HB 1387, Creating Westway Utility District.

RECESS

Mr. Blanton moved that the House recess until 2:15 p.m. today.

The motion prevailed without objection.

The House accordingly, at 1:06 p.m., recessed until 2:15 p.m. today.

AFTERNOON SESSION

The House met at 2:15 p.m. and was called to order by the Honorable Tommy Shannon.

HSR 571—REFERRED TO COMMITTEE

(Creating an interim committee on coastal and marine resources)

Mr. Lemmon offered the following resolution:

HSR 571

Whereas, Recognizing the vital role of coastal and marine resources

to the future well-being of all Texas citizens, the 62nd Legislature has created by statute a Texas Council on Marine Related Affairs; and

Whereas, In addition, the Texas Legislature, during the current 62nd Regular Session, has, by concurrent resolution, requested the office of the Governor of Texas to conduct a comprehensive study during the forthcoming biennium of coastal and marine resources of the State of Texas; and

Whereas, The Congress of the United States is also concerned with coastal and marine resources and is, at present, considering legislation which would establish a national policy in the coastal zones and offshore waters of the United States and which would, if enacted, require prompt coordinated action by the coastal states; and

Whereas, Colleges and universities of the State of Texas have introduced major new programs in oceanographic and marine sciences and other marine-related subjects into their academic programs in view of the importance of Texas' coastal and marine resources; and

Whereas, During the interim preceding the convening of the 62nd Legislature, a special interim Study Committee on Oceanography, created by the 61st Legislature, included in its report the recommendation that "... a continuing evaluation is needed to determine if the efforts of existing institutions are sufficient to establish Texas as a leader in ocean sciences"; now, therefore, be it

Resolved, That a special interim Study Committee on Coastal and Marine Resources be, and it is hereby, created to work with and support the new Texas Council of Marine Related Affairs, with the view of providing assistance and evaluating the progress made by this Council, and, further, that the special interim committee maintain liaison with the Interagency Natural Resources Council of the Office of the Governor so as to support and evaluate the Coastal Resources Management Program of the State of Texas; and, be it further

Resolved, That the Study Committee on Coastal and Marine Resources shall also evaluate legislation or other action of the Congress of the United States establishing national policy in the coastal zones and offshore waters; and, be it further

Resolved, That the committee shall investigate innovative methods of land use management based on motivational policies which would encourage the individual citizen and landowner to acknowledge the secondary effects of his actions, thereby creating the basic force necessary to protect and improve the environment of the coastal areas within the historical concepts of American government; and, be it further

Resolved, That the committee shall also investigate innovative methods whereby state and local government will be able to acquire, understand, and utilize highly specialized knowledge regarding the marine environment and the coastal interface so as to make well-informed and wise decisions concerning environmental and ecological questions; and, be it further

Resolved, That the committee shall have authority to examine and investigate all activities or organizations involved in marine- or coastal-related affairs; and, be it further

Resolved, That the committee shall be composed of seven members, all to be appointed by the Speaker of the House of Representatives. Three members shall be appointed from the House of Representatives, including one designated as chairman, and four members shall be named from the public, each of whom shall be selected by the Speaker on the basis of his interest or expertise in marine-related or coastal affairs; and, be it further

Resolved, That the committee be authorized to conduct hearings, call witnesses, engage expert consultants, and undertake field trips for the purpose of gathering information relating to its purposes; and, be it further

Resolved, That all agencies of the State of Texas and other subdivisions of government as deemed necessary by the committee be authorized and directed to cooperate fully and completely with the committee in making its study and in the preparation of reports. The committee is authorized and directed to consult with departments and agencies of the government of the United States or of any other state of the United States, and with any agency or agencies of other states considered necessary by the committee for the successful conclusion of the study; and, be it further

Resolved, That the committee may accept gifts, grants, or donations from any individual, group, association or corporation, and it may accept grants from the United States Government subject to the limitations or conditions provided by law, such funds to be used for the employment of qualified personnel or other purposes connected with the conduct of the study; and, be it further

Resolved, That the sum of \$45,000 be set aside from the Expense Fund of the House of Representatives for the purpose of conducting the affairs of the committee, including the payment of staff, with expenditures to be made at the discretion of the chairman of the committee and subject to the approval of a majority of committee members present and voting at regular meetings where questions of expenditures are brought forth by the chairman. The committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenditures must also be obtained from the House Administration Committee; and, be it further

Resolved, That both legislative and public members of the committee shall be reimbursed for their actual and necessary expenses incurred in carrying out the provisions of this resolution; and, be it further

Resolved, That the committee shall make its complete report, including findings and recommendations and drafts of any legislation deemed necessary, to the 63rd Legislature when it convenes in January, 1973. Five copies of the completed report shall be filed in the Legislative Reference Library and five copies shall be filed in the office of the Texas Legislative Council; following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

The resolution was referred to the Committee on Resolutions and Interim Activities.

HSR 572—REFERRED TO COMMITTEE

(Creating an interim Committee on State Program Review)

Mr. Lemmon offered the following resolution:

HSR 572

Whereas, The rapid and complex growth of the functions of state government during the past few years and the ever increasing tax burden levied on Texas citizens in support of these functions is a matter of great concern to this House of Representatives of the 62nd Legislature; and

Whereas, Although the Legislature has long provided for regular audits of the expenditures of state departments and agencies to give public assurance that appropriated funds will be expended in a manner that conforms to law, this type of audit does not determine whether programs established are, in fact, accomplishing the objects for which they were established; now, therefore, be it

Resolved, That the House of Representatives of the State of Texas, by this resolution, create a special interim Committee on State Program Review, which shall have as its primary purpose the determination of the efficiency and the success of programs and services of state government; the committee shall make a comprehensive and continuing study of (1) the programs of state agencies, departments, and institutions, and (2) the implications of federal-state and federal-state-local relationships and programs; and, be it further

Resolved, That the committee may examine and review any activity of any state department, agency, or institution, or any agency of local government which receives state funds for the purpose of determining whether or not established programs are executed efficiently and effectively and whether or not the implementation of such programs has fulfilled legislative intent and purpose; the committee may request and use the services of any nonprofit corporation, organization or educational institution which is qualified professionally to assist it, and the committee is also authorized to request and shall receive from all public officers, departments, agencies, institutions, and authorities of the state and its political subdivisions such assistance and data as will enable the committee properly to conduct any of the studies which the committee undertakes; and, be it further

Resolved, That the committee is hereby authorized to accept for use in carrying out the purposes of this resolution funds and grants from the federal government and from nonpublic sources; and, be it further

Resolved, That the Speaker of the House shall appoint five Members of the House of Representatives, including one designated as chairman, to serve on the interim study committee; and, be it further

Resolved, That the staff of the Texas Legislative Council be requested to serve as staff for the study committee; and, be it further

Resolved, That the operating expenses of the committee shall be paid from the Expense Fund of the House of Representatives, and that committee members shall be reimbursed for their actual expenses incurred in carrying out the provisions of this resolution; the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenditures must also be obtained from the House Administration Committee; and, be it further

Resolved, That the committee shall make its complete report, including findings and recommendations and drafts of any legislation deemed necessary, to the 63rd Legislature when it convenes in January, 1973. Five copies of the completed report shall be filed in the Legislative Reference Library and five copies shall be filed in the office of the Texas Legislative Council; following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

The resolution was referred to the Committee on Resolutions and Interim Activities.

INTRODUCTION OF HB 1885

Mr. Griffith Moore asked unanimous consent to introduce and have placed on first reading HB 1885.

There was no objection offered.

VOTES RECORDED

Representatives Craddick, Uher, and Jim Nugent requested to be recorded as voting Nay on the introduction of HB 1885.

COMMITTEE MEETING

Mr. Pickens asked unanimous consent of the House that the Committee on Insurance be permitted to meet at this time.

There was no objection offered.

MESSAGE FROM THE SENATE

Austin, Texas, May 24, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 160, By Bigam: Requesting a duplicate copy of SB 748.

HCR 163, By Heatly, Longoria: Inviting the Honorable Hubert H. Humphrey, United States Senator from Minnesota to address a Joint Session of the 62nd Legislature.

HCR 150, By Christian, et al: Inviting Vice-President Spiro T. Agnew to address a Joint Session of the 62nd Legislature.

HCR 164, By Slider: Requesting that SB 727 be returned to the House for further deliberation.

HCR 167, By Smith: Requesting a duplicate copy of SB 778.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 281 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Oscar Mauzy, Jim Wallace, Chet Brooks, Mike McKool, and A. R. Schwartz.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 396 by the following vote: 31 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 261 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on HB 333.

The following have been appointed on the part of the Senate:

Senators Joe Christie, Oscar Mauzy, Mike McKool, Roy Harrington, and Chet Brooks.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 39 and SB 236 by 31 Yeas and 0 Nays.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 835 by viva voce vote.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

SB 396—ADOPTION OF CONFERENCE COMMITTEE
REPORT

Mr. Salter submitted the following Conference Committee Report on SB 396:

May 19, 1971

Honorable Ben Barnes, President of the Senate

Honorable G. F. (Gus) Mutscher, Speaker of the House of
Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 396, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

On the part of the Senate: Watson
 Word
 Beckworth
 Moore
 Bates

On the part of the House: Salter
 Carl Parker
 Rosson
 Braecklein
 Shannon

SB 396, A bill to be entitled An Act relating to the jurisdiction of the County Court at Law of McLennan County and County Court of McLennan County and the transfer of causes and exchange of benches between the two courts; relating to compensation for services on the Juvenile Board of McLennan County; amending Sections 2 and 3, Chapter 248, and adding Section 3a to Chapter 248, Acts of the 52nd Legislature, Regular Session, 1951 (Article 1970-298b, Vernon's Texas Civil Statutes); amending Chapter 363, Acts of the 59th Legislature, Regular Session, 1965 (Article 6819-40, Vernon's Texas Civil Statutes); and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. Sections 2 and 3, Chapter 248, Acts of the 52nd Legislature, Regular Session, 1951 (Article 1970-298b, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 2. (a) The County Court at Law of McLennan County shall have jurisdiction in all matters and causes, civil and criminal, original and appellate, over which by the general laws and Constitution of the State, the County Court of the county would have jurisdiction.

"(b) The jurisdiction of the County Court at Law of McLennan County and the Judge thereof shall extend to all matters of eminent domain, but this provision shall not affect the jurisdiction of the Commissioners Court, or of the County Judge of McLennan County as the presiding officer of the Commissioners Court as to roads, bridges, and public highways, and matters of eminent domain which are now with the jurisdiction of the Commissioners Court or the Judge thereof.

"(c) Except as provided in Subsection (b) of this section, the County Court at Law of McLennan County and the Judge thereof shall have concurrent jurisdiction with the County Court of McLennan County and the Judge thereof in all matters and causes over which by the general laws and Constitution of the state the County Court would have jurisdiction.

"Section 3. The County Court of McLennan County shall have the jurisdiction given County Courts under the Constitution and general laws of this state. The County Court, and the Judge thereof, shall have the power to issue writs of injunction, mandamus, and all writs necessary to the enforcement of the jurisdiction of the court, and also to punish contempts under such provisions as are or may be provided by law governing County Courts throughout the state. The County Judge of McLennan County shall be the Judge of the County Court of McLennan County. All ex officio duties of the County Judge shall be exercised by the Judge of the County Court of McLennan County, except insofar as the same shall by this Act be committed to the Judge of the County Court at Law of McLennan County."

Sec. 2. Chapter 248, Acts of the 52nd Legislature, Regular Session, 1951, as amended (Article 1970-298b, Vernon's Texas Civil Statutes), is amended by adding Section 3a to read as follows:

"Section 3a. (a) The Judge of either the County Court at Law of McLennan County or the County Court of McLennan County may, in his discretion, either in term time or in vacation, on motion of any party or on agreement of the parties, or on his own motion, transfer any cause on his docket, to the docket of the other Court.

"(b) The Judges of the Courts may, in their discretion, exchange benches from time to time. Whenever a Judge of one of the Courts is disqualified, he shall transfer the case from his Court to the other Court.

"(c) Either Judge may, in his own courtroom, try and determine any case or proceeding pending in either Court, without having the case transferred, or may sit in the other Court, without having the case transferred, or may sit in the other Court and there hear and determine any case there pending. Each judgment and order shall be entered in the minutes of the Court in which the case is pending.

"(d) In case of absence, sickness, or disqualification of either Judge, the other Judge may hold court for him. Either of the Judges may hear any part of any case or proceeding pending in either of the Courts and determine the same or may hear and determine any question in any case, and either Judge may complete the hearing and render judgment in the case.

"(e) In cases transferred to either of the Courts by order of the Judge of the other Court, all processes, writs, bonds, recognizances or other obligations issued or made in the cases shall be returned to and filed in the Court to which transfer is made. All bonds executed and recognizances entered into in those cases shall bind the parties for their appearance or to fulfill the obligations of such bonds or recognizances at the terms of the Court to which the cases are transferred to as are fixed by law.

"(f) All processes issued or returned before transfer of the cases as well as all bonds and recognizances before taken in the case shall be valid and binding as though originally issued out of the Court to which the transfer is made."

Sec. 3. Chapter 363, Acts of the 59th Legislature, Regular Session, 1965 (Article 6819a-40, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. (a). The Commissioners Court of McLennan County shall supplement the salary of the District Court Judges whose jurisdiction lies in McLennan County, the Judge of the County Court at Law of McLennan County, and the salary of the County Judge of McLennan County in an amount not less than \$1,500 nor more than \$5,000 a year for services rendered to the Juvenile Board of McLennan County.

"(b) The Commissioners Court may also supplement District Judges' salary by not more than \$5,000 a year for administrative services rendered to the county.

"Section 2. The supplemental salary described in Section 1 of this Act is in addition to all other salary now paid or authorized to be paid by the state to the Judges of the District Courts, of the County Court at Law and of the County Court of McLennan County.

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Salter moved to suspend all necessary rules and to adopt the Conference Committee Report on SB 396.

The motion prevailed by the following vote:

Yeas—131

Adams	Davis, H.	Jones, E.	Reed
Agnich	Denton	Jones, G.	Rodriguez
Allen, Joe	Doyle	Jungmichel	Rosson
Allen, John	Dramberger	Kaster	Salem
Allred	Earthman	Kilpatrick	Salter
Angly	Farenthold	Kost	Sanchez
Atwell	Finck	Kubiak	Santiesteban
Atwood	Finnell	Lemmon	Schulle
Baker	Finney	Lewis	Semos
Bass, B.	Foreman	Lombardino	Short
Bass, T.	Gammage	Longoria	Silber
Beckham	Garcia	Lovell	Simmons
Bigham	Golman	McKissack	Slack
Blanton	Grant	Moncrief	Slider
Blythe	Hale	Moore, A.	Smith
Bowers	Hanna, Joe	Moore, T.	Solomon
Boyle	Hannah, John	Moreno	Spurlock
Braecklein	Harding	Murray	Stroud
Braun	Harris	Nabers	Swanson
Burgess	Hawkins	Nelms	Tarbox
Bynum	Hawn	Neugent, D.	Traeger
Carrillo	Haynes	Newton	Truan
Cates	Head	Nichols	Tupper
Cavness	Heatly	Niland	Uher
Christain	Hendricks	Nugent, J.	Vale
Clark	Hilliard	Ogg	Von Dohlen
Clayton	Holmes, T.	Orr	Ward
Coats	Howard	Parker, C.	Wieting
Cobb	Hubenak	Parker, W.	Williams
Cole	Hull	Pickens	Williamson
Craddick	Ingram	Poerner	Wolff
Daniel	Johnson	Presnal	Wyatt
Davis, D.	Jones, D.	Price	

Nays—6

Caldwell	Floyd	Mengden	Poff
Doran	Graves		

In The Chair

Shannon

Absent

Calhoun	Ligarde	Moore, G.	Sherman
Cruz	McAlister	Patterson	Stewart
Lee			

Absent-Excused

Holmes, Z.	Wayne
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HB 750 WITH SENATE AMENDMENTS

Mr. Hawkins called up with Senate Amendments for consideration at this time,

HB 750, A bill to to be entitled An Act relating to the method of payment of sums in certain circumstances to the Employees Retirement System of Texas; amending Section 4, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes); and declaring an emergency.

Mr. Hawkins moved to suspend all necessary rules and to not concur in the Senate Amendments and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

HB 750—APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment of the following Conference Committee, on the part of the House, on HB 750:

Representatives Hawkins, Cavness, Nabers, Traeger, and Shannon.

COMMITTEE MEETING

Mr. Blanton asked unanimous consent of the House that the Committee on Resolutions and Interim Activities be permitted to meet at this time.

There was no objection offered.

HB 866 WITH SENATE AMENDMENTS

Mr. Baker called up with Senate Amendments for consideration at this time,

HB 866, A bill to be entitled An Act relating to increasing the penalties for entry onto enclosed, surrounded land of another without consent of the owner to hunt, fish, or camp; amending Sections 3 and 4, Chapter 42, Acts of the 56th Legislature, 2nd Called Session, 1959, as amended (Article 1377b, Vernon's Texas Penal Code); and declaring an emergency.

On motion of Mr. Baker, and by unanimous consent, the House concurred in the Senate Amendments to HB 866.

Mr. Baker moved to reconsider the vote by which the House concurred in the Senate Amendments to HB 866 and to table the motion to reconsider.

The motion to table prevailed.

HB 866—TEXT OF SENATE AMENDMENTS

Amend Section 1 of HB 866 at line 13 by striking the words "Section 1" therefrom and replacing same with the words "Section 1 (a) or 1 (b)."

Amend caption to conform to body of bill.

SB 43—ADOPTION OF CONFERENCE COMMITTEE
REPORT

Mr. Harris submitted the following Conference Committee Report on SB 43:

Austin, Texas
May 20, 1971

The Honorable Ben Barnes
President of the Senate

The Honorable Gus F. Mutscher
Speaker of the House of Representatives

Sirs:

We, your Conference Committee appointed to adjust the differences between the House and Senate on SB 43, have met and adjusted our differences and beg leave to recommend that SB 43 be passed in the form attached hereto.

Respectfully submitted,

On the part of the Senate: A. R. Schwartz
Word
Mauzy
Lindley Beckworth
Kothmann

On the part of the House: Ed. J. Harris
Dean Neugent
Jack R. Hawkins
Joe H. Hubenak
Charles Jungmichel

SB 43, A bill to be entitled An Act relating to the appointment, powers and duties of reserve deputy sheriffs and reserve deputy constables; providing a severability clause; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1.(a) The commissioners court of any county in the state may authorize the sheriff of the county to appoint reserve deputy sheriffs, or any constable of the county to appoint reserve deputy constables, who shall be subject to serve as peace officers during the actual discharge of their official duties upon call of the sheriff, in the case of deputy sheriffs, or of the constable in the case of deputy constables.

(b) The commissioners court may limit the number of reserve deputy sheriffs or reserve deputy constables who may be appointed.

(c) Such reserve deputy sheriffs shall serve at the discretion of the sheriff and may be called into service at any time the sheriff considers it necessary to have additional officers to preserve the peace and enforce the law; and such reserve deputy constables shall serve at the discretion of the constable and may be called into service at any time the constable considers it necessary to have additional officers to preserve the peace and enforce the law.

(d) Such reserve deputy sheriffs and deputy constables shall serve without pay but the commissioners court may provide compensation for the purchase of uniforms and/or equipment used by such individuals.

(e) Such reserve deputy sheriffs and deputy constables, prior to their entry upon duty and simultaneously with their appointments, shall file an oath and bond in the amount of Two Thousand Dollars (\$2,000), payable to the sheriff, in the case of reserve deputy sheriffs, and payable to the constable, in the case of reserve deputy constables, and filed with the county clerk of the county in which said appointment is made.

(f) Such reserve deputy sheriffs, while on active duty at the call of the sheriff and while actively engaged in their assigned duties; and reserve deputy constables, while on active duty at the call of the constable and while actively engaged in their assigned duties, shall be vested with the same rights, privileges, obligations and duties of any other peace officer of the State of Texas.

Sec. 2. The county and/or the sheriff or constable shall not incur any liability by reason of the appointment of any such reserve deputy sheriff or deputy constable who incurs any personal injury while serving in such capacity.

Sec. 3. Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413 (29aa), Vernon's Texas Civil Statutes), is amended by adding a Section 2A to read as follows:

"Section 2A. (a) The Commission on Law Enforcement Officer Standards and Education shall establish minimum training standards for all reserve law enforcement officers which must be fulfilled before a person appointed as a reserve law enforcement officer may carry a weapon or otherwise act as a peace officer.

"(b) The commission shall establish minimum physical, mental, educational and moral standards for all reserve law enforcement officers.

Sec. 4. Any qualifications established for the position of reserve deputy sheriff or reserve deputy constable by the commissioners court shall meet the minimum physical, mental, educational, and moral standards established by the Commission on Law Enforcement Officer Standards and Education, but may be stricter than the standards of the commission.

Sec. 5. Such reserve deputy sheriffs and deputy constables will wear an emblem or badge at all times while on active duty, said badge bearing the words "Deputy Sheriff R" or "Deputy Constable R" as the case may be.

Sec. 6. All laws in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 7. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the applications of such invalid provisions, and to this end the provisions of this Act are declared to be severable. If any clause, sentence, paragraph or section of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or section thereof so found unconstitutional and invalid.

Sec. 8. The urgent need to strengthen law enforcement in the counties and the importance of this legislation and the crowded conditions of the calendars in both Houses creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Harris moved to adopt the Conference Committee Report on SB 43.

The motion prevailed without objection.

Mr. Harris moved to reconsider the vote by which the Conference Committee Report on SB 43 was adopted and to table the motion to reconsider.

The motion to table prevailed.

SB 835—ADOPTION OF CONFERENCE COMMITTEE
REPORT

Mr. Cavness submitted the following Conference Committee Report on SB 835:

Austin, Texas
May 24, 1971

Honorable Ben Barnes
President of the Senate

Honorable Gus Mutscher
Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 835, have met and had same under consideration and beg to report it back with the recommendation that it do pass in the form and text attached hereto.

On the part of the Senate:	Herring
	Blanchard
	Creighton
	Brooks
	Watson

On the part of the House: Cavness
 Clayton
 Foreman
 Golman
 Solomon

SB 835, A bill to be entitled An Act relating to the development of water quality management plans for the state and for designated areas of the state; relating to the regulation of the disposal of sewage which is disposed of by methods other than by means of disposal systems operated under a permit issued by the Texas Water Quality Board; relating to discharge of waste to disposal systems owned or operated by local governments and providing that Section 5.06 of the Texas Water Quality Act controls over other laws; relating to the delegation of functions and powers by the Texas Water Quality Board to local governments; relating to water pollution control and abatement programs by certain cities; amending Sections 3.22, 3.26, 3.27, 3.28, and 5.05 of, and adding Sections 5.06 and 5.07 to, the Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes); providing for severability; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. Section 3.22 of the Texas Water Quality Act, as amended (codified as Article 7621d-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3.22. Private Sewage Facilities. (a) As used in this section, 'private sewage facilities' means septic tanks, pit privies, cesspools, sewage holding tanks, injection wells used to dispose of sewage, chemical toilets, treatment tanks, and all other facilities, systems and methods used for the disposal of sewage other than disposal systems operated under a permit issued by the board.

"(b) Whenever it appears that the use of private sewage facilities in an area is causing or may cause pollution, or is injuring or may injure the public health, the board may hold a public hearing in or near the area to determine whether an order should be entered controlling or prohibiting the installation or use of private sewage facilities in the area. Before entering such an order, the board shall consult with the State Commissioner of Health for recommendations concerning the impact of the use of private sewage facilities in the area on public health. If the board finds after the hearing that the use of private sewage facilities in an area is causing or may cause pollution, or is injuring or may injure the public health, the board may enter an order adopting such regulations on private sewage facilities as it may consider appropriate to abate or prevent pollution or injury to public health.

"(c) The regulations so ordered may, without limitation, do one or more of the following:

"(1) limit the number and kind of private sewage facilities which may be used in the area;

"(2) prohibit the installation and use of additional private sewage facilities or kinds of private sewage facilities in the area;

"(3) require modifications or improvements to existing private sewage facilities or impose limitations on their use; and

"(4) provide for a gradual and systematic reduction of the number or kinds of private sewage facilities in the area.

"(d) The board may provide in the regulations for a system of licensing of private sewage facilities in the area, including procedures for cancellation of a license for violation of this Act, the license, or the orders or regulations of the board. The board may also provide in the system of licensing for periodic renewal of the licenses, but this may not be required more frequently than once a year. The board may delegate the licensing function and the administration of the licensing system to the executive director or to any local government whose boundaries include the area or which has been designated by the board under Section 3.29 of this Act as the agency to develop a regional waste disposal system which includes the area. The board also may prescribe and require the payment of reasonable license fees by an applicant for a license, including fees for periodic renewal of a license. The board may change the amount of the license fees from time to time. The amount of the fees shall be based on the reasonable cost of performing the licensing function and administering the licensing system, including, where applicable, costs of soil percolation and other tests to determine the suitability of using a particular type or types of private sewage facilities in the area or at any location within the area, field inspections, travel, and other costs directly attributable to performing the licensing function and administering the licensing system. If the board or the executive director has the responsibility for performing the licensing function, the license fees shall be paid to the board; those fees shall not be deposited in the general revenue fund of the state, but shall be deposited in a special fund for use by the board in performing the licensing function and administering the licensing system, and the fees so deposited are hereby appropriated to the board to use for those purposes only. If a local government has the responsibility for performing the licensing function, the fees shall be paid to the local government.

"(e) Whenever it appears to the commissioners court of any county that the use of private sewage facilities in an area within the county is causing or may cause pollution, or is injuring or may injure the public health, the county may proceed in the same manner and in accordance with the same procedures as the board to hold a public hearing and enter an order, resolution or other regulation as it may consider appropriate to abate or prevent pollution or injury to public health. The order, resolution, or other regulation may provide the same restrictions and requirements as are authorized for an order of the board entered under this section. Before the order, resolution, or other regulation becomes effective, the county shall submit it to the board and obtain the board's written approval. In the event of any conflict within an area between an order adopted by the board and an order, resolution, or other regulation adopted by a county under this section, the order of the board shall take precedence.

"(f) Where a system of licensing has been ordered by the board or the commissioners court of a county, no person may install or use private sewage facilities required to be licensed thereunder without obtaining such a license."

Section 2. Sections 3.26, 3.27 and 3.28 of the Texas Water Quality Act, as amended (codified as Article 7621d-1, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 3.26. Water Quality Management Plans. (a) The board may develop and prepare, and from time to time revise, comprehensive water quality management plans for the different areas of the state, as designated by the board.

"(b) The board may contract with local governments, regional planning commissions, planning agencies, other state agencies, colleges and universities in the state, and any other qualified and competent person to assist the board in developing and preparing, and from time to time revising, water quality management plans for areas designated by the board.

"(c) With funds provided for the purpose by legislative appropriation, the board may make grants or interest-free loans to, or contract with, local governments, regional planning commissions, and planning agencies to pay administrative and other expenses of such entities for developing and preparing, and from time to time revising, water quality management plans for areas designated by the board. The period of time for which funding under this provision may be provided for developing and preparing, or for revising, a plan may not exceed three consecutive years in each instance. Any loan made pursuant to this subsection shall be repaid when the construction of any project included in the plan is begun.

"(d) Any person developing or revising a plan shall, during the course of the work, consult with the board, and with local governments and other federal, state, and local governmental agencies which in the judgment of the board or the executive director may be affected by or have a legitimate interest in the plan.

"(e) Insofar as may be practical, the water quality management plans shall be reasonably compatible with the other governmental plans for the area, such as area or regional transportation, public utility, zoning, public education, recreation, housing, and other related development plans.

"Section 3.27. Approval of Plans. (a) After a water quality management plan has been prepared or significantly revised, as authorized in Section 3.26 of this Act, it shall be submitted to the board and to such local governments and other federal, state, and local government agencies as in the judgment of the board or the executive director may be affected by or have a legitimate interest in the plan.

"(b) After a reasonable period of time as determined by the board for the persons to whom the plan was submitted to review and consult on the plan, a public hearing shall be held on whether the plan should be approved or whether the plan should be modified in any way. Notice of the hearing shall be given to the person or persons who prepared or revised the plan and to the persons to whom the plan was submitted for review.

"(c) After the public hearing, if the board finds that the plan complies with the policy and purpose of this Act and the rules and policies of the board, it shall approve the plan. If the board does not so find, it may disapprove the plan, modify the plan as necessary so that it will comply, or return it for further development and later resubmission to the board, in accordance with the procedure in Section 3.26 and this section.

"(d) When a water quality management plan has been approved as provided in this section, the plan may be furnished to the Federal Environmental Protection Agency, the Federal Water Quality Administration, or any other federal official or agency in fulfillment of any federal water quality management planning requirement specified for any purpose by the federal government.

"(e) The board may use an approved water quality management plan, or a plan in progress, but not completed or approved, in reviewing and making determinations on applications for permits and on applications for financial assistance for construction of treatment works.

"Section 3.28. Fiscal Control on Water Quality Management Planning. In administering the program for making grants and loans to and contracting with local governments, regional planning commissions, and planning agencies, as authorized in Subsection (c) of Section 3.26 of this Act, the board shall adopt rules and procedures for the necessary engineering review and supervision, fiscal control, and fund accounting. The fiscal control and fund accounting procedures are supplemental to other procedures prescribed by law."

Section 3. Section 5.05 of the Texas Water Quality Act, as amended (codified as Article 7621d-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 5.05. Cooperative agreements. (a) A local government may execute cooperative agreements with the board or other local governments:

"(1) to provide for the performance of water quality management, inspection, and enforcement functions and to provide technical aid and educational services to any party to the agreement; and

"(2) for the transfer of money or property from any party to the agreement to another party to the agreement for the purpose of water quality management, inspection, enforcement, technical aid and education, and the construction, ownership, purchase, maintenance, and operation of disposal systems.

"(b) Whenever in the opinion of the board it would facilitate and enhance the performance by a local government of its water quality management, inspection, and enforcement functions pursuant to a cooperative agreement between the local government and the board, as authorized in Subsection (a) of this section, the board may assign and delegate to the local government during the period of the agreement such of the pertinent powers and functions vested in the board under this Act as in the judgment of the board may be necessary or helpful to the local government in performing those management, inspection, and enforcement functions. At any time and from time to time, prior to the termination of the cooperative agreement, the board may modify or rescind any such assignment or delegation. The board shall notify immediately a local government to whom it assigns or delegates any powers and functions pursuant to this subsection or as to when it modifies or rescinds any such assignment or delegation."

Section 4. The Texas Water Quality Act, as amended (codified as Article 7621d-1, Vernon's Texas Civil Statutes), is amended by adding a new Section 5.06 to Subchapter E to read as follows:

"Section 5.06. Disposal system rules. (a) Every local government which owns or operates a disposal system is empowered to and shall, except as authorized in Subchapter (c) of this section, enact and enforce rules, regulations, ordinances, orders, or resolutions (hereafter in this section referred to as rules) to control and regulate the type, character and quality of waste which may be discharged to the disposal system and, where necessary, to require pretreatment of waste to be discharged to the system, so as to protect the health and safety of personnel maintaining and operating the disposal system and to prevent unreasonable adverse effects on the disposal system.

"(b) The local government in its rules may establish the charges and assessments which may be made to and collected from all persons who discharge waste to the disposal system or who have conduits or other facilities for discharging waste connected to the disposal system (hereafter in this subsection referred to as 'users'). The charges and assessments shall be equitable as between all users and shall correspond as near as can be practically determined to the cost of making the waste disposal services available to all users and of treating the waste of each user or class of users. The charges and assessments may include user charges, connection fees, or any other methods of obtaining revenue from the disposal system available to the local government. In establishing the charges and assessments, the local government shall take into account:

"(1) the volume, type, character, and quality of the waste of each user or class of users;

"(2) the techniques of treatment required;

"(3) any capital costs and debt retirement expenses of the disposal system required to be paid for from the charges and assessments;

"(4) the costs of operating and maintaining the system to comply with this Act and the permits, rules and orders of the board; and

"(5) any other costs directly attributable to providing the waste disposal service under standard, accepted cost-accounting practices.

"(c) A local government may apply to the board for an exception from the requirements of Subsections (a) and (b) of this section or for a modification of those requirements. The application shall contain the exception or modifications desired, the reasons the exception or modifications are needed, and the grounds authorized in this subsection on which the board should grant the application. A public hearing on the application shall be held in or near the territorial area of the local government and notice of the hearing shall be given to the local government. If, after the hearing, the board in its judgment determines that the volume, type, character, and quality of the waste of the users of the system, or of a particular user or class of users of the system, do not warrant the enactment and enforcement of rules containing the requirements prescribed in Subsections (a) and (b) of this section, or that the enactment and enforcement of the rules would be impractical or unreasonably burdensome on the local government in relation to the public benefit to be derived, then the board in its discretion may enter an order granting an exception to those requirements or modifying those requirements in any particular in response to circumstances shown to exist.

"(d) At any time and from time to time, as circumstances may require, the board may amend or revoke any order it enters pursuant to Subsection (c) of this section. Before the board amends or revokes such an order, a public hearing shall be held in or near the territorial area of the local government in question, and notice of the hearing shall be given to the local government. If after the hearing the board in its judgment determines that the circumstances on which it based the order have changed significantly or no longer exist, the board may revoke the order or amend it in any particular in response to the circumstances then shown to exist.

"(e) In the event of any conflict between the provisions of this section and any other laws or parts of laws, the provisions of this section shall control."

Section 5. The Texas Water Quality Act, as amended (codified as Article 7621d-1, Vernon's Texas Civil Statutes), is amended by adding a new Section 5.07 to Subchapter E of the Act, to read as follows:

"Section 5.07. Water pollution control duties of cities.

"(a) Every city in this state having a population of 5,000 or more inhabitants shall, and any city of this state may, establish a water pollution control and abatement program for the city. The city shall employ or retain an adequate number of personnel, on either a part-time or full-time basis as the needs and circumstances of the city may require, who by virtue of their training or experience are qualified to perform the water pollution control and abatement functions required to enable the city to carry out its duties and responsibilities under this section.

"(b) The water pollution control and abatement program of a city shall encompass the entire city and may include areas within its extraterritorial jurisdiction which in the judgment of the city should be included to enable the city to achieve the objectives of the city for the area within its territorial jurisdiction. The city shall include in the program the services and functions which, in the judgment of the city or as may be reasonably required by the board, will provide effective water pollution control and abatement for the city, including the following services and functions:

"(1) the development and maintenance of an inventory of all significant waste discharges into or adjacent to the water within the city and, where the city so elects, within the extraterritorial jurisdiction of the city, without regard to whether or not the discharges are authorized by the board;

"(2) the regular monitoring of all significant waste discharges included in the inventory prepared pursuant to Paragraph (1), above;

"(3) the collecting of samples and the conducting of periodic inspections and tests of the waste discharges being monitored to determine whether the discharges are being conducted in compliance with this Act and any applicable permits, orders or regulations of the board, and whether they should be covered by a permit from the board;

"(4) in cooperation with the board, a procedure for obtaining compliance by the waste dischargers being monitored, including where necessary the use of legal enforcement proceedings; and

"(5) the development and execution of reasonable and realistic plans

for controlling and abating pollution or potential pollution resulting from generalized discharges of waste which are not traceable to a specific source, such as storm sewer discharges and urban runoff from rain water."

Sec. 6. Severability Clause. The provisions of this Act are severable. If any word, phrase, clause, sentence, section, provision or part of this Act should be held to be invalid or unconstitutional, it shall not affect the validity of the remaining portions, and it is hereby declared to be the legislative intent that this Act would have been passed as to the remaining portions, regardless of the invalidity of any part.

Sec. 7. Emergency Clause. The importance to the public of the amendments in this Act creates an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Cavness moved to suspend all necessary rules and to adopt the Conference Committee Report on SB 835.

The motion prevailed without objection.

Mr. Cavness moved to reconsider the vote by which the Conference Committee Report on SB 835 was adopted and to table the motion to reconsider.

The motion to table prevailed.

HB 837 WITH SENATE AMENDMENTS

Mr. Hubenak called up with Senate Amendments for consideration at this time,

HB 837, Relating to salary and expenses of the Criminal District Attorney of Brazoria County, etc.

Mr. Hubenak moved to suspend all necessary rules and concur in the Senate Amendments to HB 837.

The motion prevailed by the following vote:

Yeas—131

Adams	Caldwell	Doyle	Haynes
Allen, Joe	Calhoun	Dramberger	Head
Allen, John	Carrillo	Earthman	Heatly
Allred	Cates	Farenthold	Hendricks
Angly	Cavness	Finck	Hilliard
Atwell	Christian	Finnell	Holmes, T.
Atwood	Clark	Finney	Howard
Baker	Clayton	Foreman	Hubenak
Bass, B.	Coats	Gammage	Hull
Beckham	Cobb	Garcia	Jones, D.
Bigham	Cole	Golman	Jones, E.
Blanton	Craddick	Grant	Jones, G.
Blythe	Cruz	Hannah, John	Jungmichel
Bowers	Daniel	Harding	Kaster
Braecklein	Davis, D.	Harris	Kilpatrick
Braun	Davis, H.	Hawkins	Kost
Bynum	Denton	Hawn	Kubiak

Lee	Neugent, D.	Rosson	Stroud
Lemmon	Newton	Salem	Swanson
Lewis	Nichols	Salter	Tarbox
Lombardino	Niland	Sanchez	Traeger
Longoria	Nugent, J.	Santiesteban	Truan
Lovell	Ogg	Schulle	Tupper
McAlister	Orr	Semos	Uher
McKissack	Parker, C.	Sherman	Vale
Mengden	Parker, W.	Short	Von Dohlen
Moncrief	Patterson	Silber	Ward
Moore, A.	Pickens	Simmons	Wieting
Moore, G.	Poerner	Slider	Williams
Moore, T.	Poff	Smith	Williamson
Murray	Presnal	Solomon	Wolff
Nabers	Price	Spurlock	Wyatt
Nelms	Rodriguez	Stewart	

Nays—3

Burgess	Doran	Graves
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In The Chair

Shannon

Present—Not Voting

Bass, T.	Moreno	Reed
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Absent

Agnich	Hale	Ingram	Ligarde
Boyle	Hanna, Joe	Johnson	Slack
Floyd			

Absent-Excused

Holmes, Z.	Wayne
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Mr. Hubenak moved to reconsider the vote by which the House concurred in the Senate Amendments to HB 837 and to table the motion to reconsider.

The motion to table prevailed.

HB 837—TEXT OF SENATE AMENDMENTS

Amend HB 837 as follows:

Strike all below the enacting clause and substitute in lieu thereof the following:

"Section 1. Section 4, page 409, Chapter 118, Acts of the 53rd Legislature, Regular Session, 1953, as amended by Section 4, page 1037, Chapter 513, Acts of the 59th Legislature, Regular Session, 1965, (codified as Article 326k-23, Sec. 4, Vernon's Texas Civil Statutes), is amended to read as follows:

'Section 4. The Criminal District Attorney of Brazoria County, Texas, shall be commissioned by the governor and shall receive as salary and compensation the following: a salary of Five Hundred (\$500.00) Dollars from the State of Texas for the salary of district attorneys, and a sum of not less than Seventeen Thousand Five Hundred (\$17,500.00) Dollars and not more than Eighteen Thousand Five Hundred (\$18,500.00) Dollars a year to be paid out of the Officers' Salary Fund of Brazoria County, if adequate; if inadequate the commissioners court shall transfer the necessary funds from the General Funds of the county to the Officers Salary Fund. The effective date of this Section is January 1, 1972.'

"Section 2. Section 5, page 409, Chapter 118, Acts of the 59th Legislature, Regular Session, 1953, (codified as Article 326k-23, Section 5, Vernon's Texas Civil Statutes), is amended to read as follows:

'Section 5. The Criminal District Attorney of Brazoria County, for the purpose of conducting the affairs of his office, and with the approval of the commissioners court shall be and is hereby authorized to appoint one first assistant and two assistants and fix their salaries as follows, and no less: said first assistant shall receive the sum of not less than Twelve Thousand (\$12,000) Dollars per annum. Each of said assistants shall receive the sum of not less than Ten Thousand (\$10,000.00) Dollars per annum.

'The Criminal District Attorney of Brazoria County may employ four stenographers and fix their salaries at not less than Forty-eight Hundred (\$4,800.00) Dollars per annum. All of the salaries mentioned in this section shall be payable from the Officers' Salary Fund of Brazoria County, if adequate; if inadequate the commissioners court shall transfer the necessary funds from the general fund of the county to the Officer's Fund.

'In addition to the salaries provided the Criminal District Attorney, his first assistant, assistants, and stenographers, the commissioners court of Brazoria County, Texas, shall provide such Criminal District Attorney of Brazoria County, Texas, such reasonable and necessary expenses for the operation of the office of Criminal District Attorney of Brazoria County, Texas, as the Commissioners Court of Brazoria County, Texas, may deem necessary for the proper operation of the office of the Criminal District Attorney of Brazoria County, Texas, and said expenses shall be paid as provided by law for such expenses.'

"Section 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

Amend caption to conform to body of bill.

HB 1046 WITH SENATE AMENDMENTS

Mr. Hubenak called up with Senate Amendments for consideration at this time,

HB 1046, Authorizing drainage districts to contract for work to be performed and to purchase equipment, etc.

On motion of Mr. Hubenak, the House concurred in the Senate Amendments to HB 1046 by the following vote:

Yeas—132

Adams	Doyle	Kaster	Price
Agnich	Earthman	Kost	Rodriguez
Allen, Joe	Farenthold	Kubiak	Rosson
Allen, John	Finck	Lee	Salem
Allred	Finnell	Lemmon	Salter
Angly	Finney	Lewis	Sanchez
Atwell	Floyd	Ligarde	Santiesteban
Atwood	Foreman	Lombardino	Schulle
Baker	Gammage	Longoria	Semos
Bass, B.	Garcia	McAlister	Short
Beckham	Golman	McKissack	Silber
Bigham	Grant	Mengden	Simmons
Blanton	Hale	Moncrief	Slack
Blythe	Hanna, Joe	Moore, A.	Slider
Bowers	Hannah, John	Moore, G.	Smith
Braecklein	Harding	Moore, T.	Solomon
Braun	Harris	Murray	Spurlock
Burgess	Hawkins	Nabers	Stewart
Caldwell	Hawn	Nelms	Stroud
Carrillo	Haynes	Neugent, D.	Swanson
Cates	Head	Newton	Tarbox
Cavness	Heatly	Nichols	Traeger
Christian	Hendricks	Niland	Truan
Clark	Hilliard	Nugent, J.	Tupper
Clayton	Holmes, T.	Ogg	Uher
Coats	Howard	Orr	Vale
Cobb	Hubenak	Parker, C.	Von Dohlen
Cole	Hull	Parker, W.	Ward
Craddick	Johnson	Patterson	Wieting
Cruz	Jones, D.	Pickens	Williams
Daniel	Jones, E.	Poerner	Williamson
Davis, H.	Jones, G.	Poff	Wolff
Denton	Jungmichel	Presnal	Wyatt

Nays—1

Graves

In The Chair

Shannon

Present—Not Voting

Bass, T.	Moreno	Reed
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Absent

Boyle	Davis, D.	Ingram	Lovell
Bynum	Doran	Kilpatrick	Sherman
Calhoun	Dramberger		

Absent-Excused

Holmes, Z. Wayne

HB 1046—TEXT OF SENATE AMENDMENTS

Amend HB 1046 by deleting the words, "Seven and 50/100 Dollars (\$7.50)" in Section 8 and substituting therein the words, "Fifteen and No/100 Dollars (\$15.00)."

Amend caption to conform to body of bill.

SB 727 ON PASSAGE (Mr. Slider—House Sponsor)

The Chair laid before the House on its final passage,

SB 727, Exempting Parks and Wildlife Department vehicles from inscription requirements.

The vote by which SB 727 was passed on May 21, was reconsidered on today.

Mr. Hale and Mr. Slider offered the following amendment to the bill:

Amend SB 727 by adding after the words "Parks and Wildlife Department" the words "Agencies and Branches of Government for whom appropriations are made under Article VI of the General Appropriations Bill."

The amendment was adopted without objection.

SB 727, as amended, was passed by the following vote:

Yeas—127

Agnich	Christian	Golman	Lewis
Allen, Joe	Clark	Grant	Lombardino
Allen, John	Clayton	Hale	Longoria
Allred	Coats	Harding	Lovell
Angly	Cobb	Harris	McAlister
Atwell	Cole	Hawkins	McKissack
Atwood	Craddick	Haynes	Mengden
Baker	Cruz	Head	Moncrief
Bass, B.	Davis, D.	Heatly	Moore, A.
Beckham	Davis, H.	Hendricks	Moore, G.
Bigham	Denton	Hilliard	Moore, T.
Blanton	Doran	Holmes, T.	Moreno
Blythe	Doyle	Howard	Murray
Bowers	Dramberger	Hubenak	Nelms
Braecklein	Earthman	Hull	Neugent, D.
Braun	Farenthold	Johnson	Newton
Burgess	Finck	Jones, E.	Niland
Bynum	Finnell	Jones, G.	Ogg
Caldwell	Finney	Jungmichel	Orr
Calhoun	Floyd	Kaster	Parker, C.
Carrillo	Foreman	Kilpatrick	Parker, W.
Cates	Gammage	Kost	Patterson
Cavness	Garcia	Lemmon	Pickens

Poerner	Santiesteban	Smith	Vale
Poff	Schulle	Solomon	Von Dohlen
Presnal	Semos	Spurlock	Ward
Price	Sherman	Stewart	Wieting
Reed	Short	Stroud	Williams
Rosson	Silber	Swanson	Williamson
Salem	Simmons	Tarbox	Wolff
Salter	Slack	Traeger	Wyatt
Sanchez	Slider	Uher	

Nays—12

Adams	Hanna, Joe	Nabers	Rodriguez
Bass, T.	Hannah, John	Nichols	Truan
Graves	Kubiak	Nugent, J.	Tupper

In The Chair

Shannon

Absent

Boyle	Hawn	Jones, D.	Ligarde
Daniel	Ingram	Lee	

Absent-Excused

Holmes, Z. Wayne

Mr. Slider moved to reconsider the vote by which SB 727 was passed and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Slider, and by unanimous consent, the caption of SB 727 was ordered amended to conform with the body of the bill.

COMMITTEE MEETING

Mr. Longoria asked unanimous consent of the House that the Committee on Agriculture be permitted to meet at this time.

There was no objection offered.

MEMORIAL RESOLUTION ADOPTED

The following Memorial Resolution was adopted unanimously by a rising vote:

HCR 169, by Head: In memory of Neal Clark.

On motion of Mr. John Allen, the names of all the Members of the House were added to the resolution as signers thereof.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HCR 168, by Heatly: Welcoming the National Governors Conference to Houston, Texas.

HSR 574—REFERRED TO COMMITTEE

(Amending the House Rules)

Mr. Hale offered the following resolution:

HSR 574

Be it Resolved by the House of Representatives of the State of Texas, That the Rules of the House be amended by adding a new paragraph following the first paragraph of Section 8 of Rule IX to read as follows:

"After a bill on a local calendar or a consent calendar has been laid out, if controversy should develop on the bill or any amendments thereto and debate on the bill and any amendments thereto exceeds 10 minutes, the bill shall automatically be withdrawn from consideration and removed from the calendar. When an amendment is offered to a bill being considered on a local calendar or a consent calendar, such amendment shall be withdrawn and not considered by the House if notice is given by five or more Members that they intend to oppose such amendment, either by a raising of hands or the delivery of written notice to the Chair."

The resolution was referred to the Committee on Rules.

COMMITTEE MEETINGS

Mr. Hale asked unanimous consent of the House that the Committee on Judiciary be permitted to meet at this time and during the Local Calendar.

There was no objection offered.

Mr. Solomon asked unanimous consent of the House that the Committee on Banks and Banking be permitted to meet at this time.

There was no objection offered.

CONSIDERATION OF BILLS ON THE
LOCAL AND CONSENT CALENDAR

In accordance with a previous motion, the House proceeded to the consideration of bills on the Local and Consent Calendar.

HB 471 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 471, Creating Liberty Public Utility District.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 471 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Liberty County, Texas, to be known as Liberty Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Liberty County, Texas, being a tract of land containing 579.38 acres more or less, out of the John R. Rhea Survey, A-62, and being more particularly described by metes and bounds as follows:

Beginning at a concrete monument marking the northeast corner of the said John R. Rhea Survey and the northwest corner of the M. C. Woodward Survey, A-819.

Thence, S 00° 14' 08" W, 4538.01 feet along the easterly boundary line of said John R. Rhea Survey, to a point for the southeast corner of the tract herein described.

Thence, N 89° 30' 46" W, 4855.46 feet to a point on the dividing line between Liberty and Harris Counties, Texas, said point being the southwest corner of the tract herein described.

Thence, N 17° 01' 35" W, 4758.54 feet along the dividing line between said Liberty and Harris Counties to a point on the northerly boundary line of said John R. Rhea Survey, said point being the northwest corner of the tract herein described.

Thence, S 89° 30' 46" E, 6267.52 feet along the northerly boundary line of said John R. Rhea Survey to the point of beginning and northeast corner of the tract herein described.

Containing 579.38 acres of land more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Graydon Dunlap
Robert L. Waters
D. Anthony Breslford
Preston Brown
Eaph Weathersby

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. In the event the District should collect, transport, or treat solid waste gathered either within or without its boundaries, the dumping or distribution in any manner of same within Liberty County is expressly prohibited.

Section 8. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 9. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or

unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 10. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 471, as amended, was passed to engrossment.

HB 587 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 587, Creating May Public Utility District.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 587 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Liberty and Harris Counties, Texas, to be known as May Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying in Harris County, Texas, and Liberty County, Texas, and being 856.1927 acres, more or less, out of the John R. Rhea Survey, Abstract 62, Harris County, Texas, and the John R. Rhea Survey, Abstract 988, Liberty County, Texas, and more particularly described by metes and bounds as follows:

Beginning at a point in the East line of said John R. Rhea Survey, Abstract 988, Liberty County, said point being N 00° 14' 08" E 2,951.62 feet from the Southeast corner of said John R. Rhea Survey, Abstract 988, Liberty County, said point also being the Northeast corner of the Rhea Municipal Utility District.

Thence N 89° 54' 54" W 8,854.86 feet along the North line of said Rhea Municipal Utility District to a point for corner.

Thence S 00° 14' 08" W 2,951.62 feet along the West line of said Rhea Municipal Utility District to a point for corner in the South line of said John R. Rhea Survey, Abstract 62, Harris County.

Thence N 89° 54' 54" W 1,009.44 feet along the South line of said John R. Rhea Survey, Abstract 62, Harris County to a point for corner.

Thence N 19° 52' 07" E 837.43 feet to a point for corner.

Thence N 16° 56' 56" E 6,796.65 feet to a point for corner.

Thence S 89° 30' 46" E 7,628.35 feet to a point for corner in the East line of said John R. Rhea Survey, Abstract 988, Liberty County.

Thence S 00° 14' 08" W 4,287.21 feet along the East line of said John R. Rhea Survey, Abstract 988, Liberty County, to the place of beginning.

Containing 856.1927 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

I. T. May, Jr.
Earl McManus
A. J. Etheredge
Vilma McMannus
Cecelia May

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. In the event the District should collect, transport or treat solid waste gathered either within or without its boundaries, the dumping or distribution in any manner of same within Liberty County is expressly prohibited.

Section 8. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 9. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 10. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 587, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun and Nichols requested to be recorded as voting Nay on passage to engrossment of HB 587.

HB 1145 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1145, Creating Harris County Utility District No. 8.

The bill was read second time.

Mr. Finck offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1145 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County and Montgomery County, Texas, to be known as Harris County Utility District No. 8, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Being 437.172 acres of land out of the following Surveys, Elijah Votaw, Abstract 823, Harris County, Texas and Abstract 580, Montgomery County, the H.T.&B. R.R. Co. No. 5, Abstract 422, Harris County and Abstract 282, Montgomery County; Thomas S. Foster, Abstract 1720, Harris County and Abstract 718, Montgomery County; Richard Williams Abstract 1721, Harris County, Abstract 660, Montgomery County; M. H. Short Abstract 1722, Harris County; and the Harrison McLean, Abstract 529, Harris County, Texas; and being more particularly described by metes and bounds as follows (all bearings and coordinates referenced to the Texas Coordinate System, South Central Zone):

Beginning at a point where the Harris-Montgomery County line crosses the east line of the aforementioned Elijah Votaw Survey (X=3,198,448.55, Y=834,475.96);

Thence S 45° 12' 50" W, 542.41 feet along said county line to a point on the arc of a curve;

Thence 333.02 feet along the arc of a curve to the left (said arc having a chord of N 21° 02' 03" W, 332.96 feet, a radius of 5000.00 feet, and a central angle of 03° 48' 58") to a point of reverse curve;

Thence 1184.99 feet along the arc of a curve to the right (said arc having a chord of N 16° 09' 09" W, 1182.22 feet, a radius of 5000.00 feet, and a central angle of 13°34'44") to a point on said arc;

Thence N 87°24'05" E. at 791.31 feet pass the common line of the aforementioned Votaw and H.T.&B. R.R. Co. Surveys, to a point for corner at 1716.58 feet in all;

Thence N 01°33'32" W, at 309.11 feet pass the common line of the H.T.&B. R.R. Co. and Foster Surveys; at 1628.62 feet, pass the common line of the Foster and Williams Surveys, to a point for corner at 2572.95 feet in all;

Thence N 83°18'17" E, 2315.79 feet to a point for corner;

Thence S 02°36'09" E, at 857.95 feet pass the Montgomery-Harris County Line, at 1115.87 feet pass the common line of the Williams and Foster Surveys to a point for corner at 1761.82 feet in all;

Thence N 87°29'19" E, at 1612.67 feet pass the common line of the Foster and Short Surveys, at 2110.16 feet, pass the common line of the Short and McLean Surveys, to a point for corner at 2282.19 feet in all;

Thence N 03°48'51" W, at 97.40 feet pass the common line of the McLean and Short Surveys to a point for corner in the southwesterly line of Hamblen Road 1653.66 feet in all;

Thence S 57°23'54" E, along said southwesterly line of Hamblen Road at 935.30 feet pass the common line of the Short and McLean Surveys, to a point for corner at 1870.00 feet in all in said southwesterly line of Hamblen Road;

Thence S 01°00'51" W, 2550.88 feet to a point for corner;

Thence S 87°52'35" W, at 2804.87 feet pass the common line of the McLean and H.T.&B. R. R. Co. Surveys, to a point for corner at 6728.34 feet in all on the aforementioned Harris-Montgomery County Line;

Thence S 45°12'50" W, along said county line a distance of 236.63 feet to the Point of Beginning and containing 437.172 acres of land, being 132.043 acres in Montgomery County and 305.129 acres in Harris County;

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following

named persons shall be the directors of the District and shall constitute the board of directors of the District:

Henry W. Hope
Jerry L. Wickliffe
James C. Slaughter
Thomas J. Brorby
Dixie Smith

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1145, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun and Nichols requested to be recorded as voting Nay on passage to engrossment of HB 1145.

HB 1165 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1165, Relating to the compensation of the assistant district attorney for the 9th Judicial District.

The bill was read second time and was passed to engrossment.

HB 1179 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1179, Creating Corinthian Point Utility District.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1179 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Montgomery County, Texas, to be known as Corinthian Point Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

292.6242 acres of land in the E. Collard Survey, A-7, Montgomery County, Texas and a part of a called 1600.00 acre tract described in Volume 509, Page 291; more fully described as follows:

Beginning at a point in the South line of a graded road, being the North-

west corner of the Ed Hughes 357.98 acre tract and the Northeast corner of the Crouch 3.872 acre tract;

Thence N 73° 46' W, along the North line of the Crouch 3.872 acre tract, 250.00 feet to a point of the N.W. corner of the said Crouch tract,

Thence S 16° 09' W, along the West line of the said Crouch 3.872 acre tract, 110 feet to the point of beginning for the metes and bounds description of the herein described 292.6242 acre tract, said point also being in the proposed South R.O.W. line of F.M. Road No. 830,

Thence N 73° 46' 00" W, along the proposed South R.O.W. line of F.M. Road No. 830, 253.00 ft.,

Thence N 57° 04' 03" W, along the proposed South R.O.W. line of F.M. Road No. 830, 104.40 ft.,

Thence N 73° 46' 00" W, along the proposed South R.O.W. line of F.M. Road No. 830, 2050.00 ft.,

Thence S 89° 32' 03" W, along the proposed South R.O.W. line of F.M. Road No. 830, 313.21 ft.,

Thence N 73° 46' 00" W, 458.63 ft., to a point on the 201.00 foot contour line established by the San Jacinto River Authority,

Thence along said 201.00 foot contour line as follows:

(3) S 35° 12' E,	130.71 ft.	(4) S 40° 18' E,	124.4 ft.
(5) S 29° 00' E,	89.1 ft.	(6) N 86° 27' E,	63.8 ft.
(7) S 34° 23' E,	24.5 ft.	(8) S 42° 20' W,	53.4 ft.
(9) S 30° 08' E,	73.5 ft.	(10) S 36° 36' E,	49.8 ft.
(11) S 38° 24' W,	18.5 ft.	(12) N 57° 33' W,	59.8 ft.
(13) N 36° 34' W,	51.9 ft.	(14) N 65° 10' W,	68.8 ft.
(15) N 57° 41' W,	140.8 ft.	(16) N 69° 08' W,	65.0 ft.
(17) S 64° 23' W,	106.8 ft.	(18) N 09° 19' W,	41.2 ft.
(19) N 37° 30' W,	79.7 ft.	(20) N 55° 04' W,	113.7 ft.
(21) N 75° 32' W,	108.9 ft.	(22) N 70° 49' W,	55.2 ft.
(23) N 18° 53' W,	81.7 ft.	(24) N 51° 36' W,	69.3 ft.
(25) N 79° 12' W,	69.1 ft.	(26) S 72° 16' W,	76.8 ft.
(27) S 46° 56' W,	81.0 ft.	(28) S 16° 09' W,	134.2 ft.
(29) S 68° 44' W,	70.5 ft.	(30) S 30° 55' W,	68.4 ft.
(31) S 00° 41' E,	76.3 ft.	(32) S 38° 29' E,	97.4 ft.
(33) S 14° 44' E,	36.3 ft.	(34) S 47° 12' W,	48.4 ft.
(35) S 48° 38' W,	64.6 ft.	(36) S 59° 06' W,	34.2 ft.
(37) S 07° 34' W,	67.7 ft.	(38) S 00° 43' E,	52.1 ft.
(39) S 11° 43' E,	75.5 ft.	(40) S 00° 06' E,	89.7 ft.
(41) S 33° 55' E,	98.5 ft.	(42) S 12° 49' W,	61.1 ft.
(43) S 27° 01' E,	67.3 ft.	(44) S 43° 34' E,	61.0 ft.
(45) S 86° 44' E,	59.0 ft.	(46) S 57° 11' E,	82.0 ft.
(47) S 35° 39' W,	94.5 ft.	(48) S 21° 21' E,	63.9 ft.
(49) S 55° 41' E,	52.4 ft.	(50) S 12° 09' E,	97.5 ft.
(51) S 03° 25' W,	44.7 ft.	(52) S 18° 43' W,	38.2 ft.
(53) N 42° 44' W,	17.7 ft.	(54) N 25° 29' W,	66.4 ft.
(55) N 45° 20' W,	47.2 ft.	(56) N 74° 10' W,	52.0 ft.
(57) N 66° 04' W,	100.8 ft.	(58) N 77° 18' W,	75.7 ft.

(59) S 67° 06' W,	92.3 ft.	(60) N 09° 32' E,	99.4 ft.
(61) N 20° 14' W,	38.9 ft.	(62) N 64° 14' W,	90.3 ft.
(63) N 86° 54' W,	29.3 ft.	(64) S 44° 00' W,	106.6 ft.
(65) S 48° 49' W,	50.7 ft.	(66) N 56° 07' W,	52.5 ft.
(67) N 00° 30' W,	68.2 ft.	(68) N 16° 23' W,	54.8 ft.
(69) N 38° 35' W,	224.4 ft.	(70) N 16° 59' W,	113.6 ft.
(71) N 29° 21' W,	117.9 ft.	(72) S 68° 51' W,	143.7 ft.
(73) S 33° 53' W,	93.8 ft.	(74) S 09° 23' W,	294.0 ft.
(75) S 11° 52' E,	121.9 ft.	(76) S 05° 42' W,	65.0 ft.
(77) S 84° 08' W,	50.8 ft.	(78) N 88° 27' W,	215.8 ft.
(79) S 71° 25' W,	124.7 ft.	(80) S 72° 06' W,	271.2 ft.
(81) S 38° 14' W,	96.1 ft.	(82) S 32° 21' W,	75.0 ft.
(83) S 48° 04' W,	74.2 ft.	(84) S 04° 54' W,	93.1 ft.
(85) S 12° 08' E,	164.2 ft.	(86) S 14° 21' E,	85.0 ft.
(87) S 53° 33' E,	106.5 ft.	(88) N 82° 43' E,	98.8 ft.
(89) S 66° 26' E,	83.8 ft.	(90) S 05° 27' E,	66.4 ft.
(91) S 22° 16' E,	83.4 ft.	(92) S 43° 46' E,	89.2 ft.
(93) S 36° 45' E,	139.9 ft.	(94) S 58° 51' E,	108.6 ft.
(95) N 59° 58' E,	285.0 ft.	(96) N 14° 16' E,	60.6 ft.
(97) N 47° 43' E,	45.7 ft.	(98) S 02° 10' E,	119.8 ft.
(99) S 83° 26' E,	87.8 ft.	(100) S 56° 34' E,	60.7 ft.
(101) N 66° 13' E,	79.4 ft.	(102) N 78° 01' E,	205.6 ft.
(103) N 58° 56' E,	149.6 ft.	(104) S 72° 20' E,	154.3 ft.
(105) S 45° 43' E,	218.6 ft.	(106) S 15° 26' E,	84.1 ft.
(107) S 02° 29' W,	185.8 ft.	(108) S 15° 29' W,	93.0 ft.
(109) S 22° 24' W,	111.0 ft.	(110) S 09° 06' W,	96.1 ft.
(111) S 63° 33' E,	129.2 ft.	(112) S 75° 32' E,	111.4 ft.
(113) N 85° 08' E,	104.1 ft.	(114) S 71° 55' E,	98.7 ft.
(115) N 79° 47' E,	211.3 ft.	(116) N 47° 06' E,	217.6 ft.
(117) N 36° 00' E,	212.8 ft.	(118) N 30° 25' E,	120.6 ft.
(119) S 70° 52' E,	58.6 ft.	(120) S 85° 55' E,	135.6 ft.
(121) S 68° 57' E,	71.4 ft.	(122) N 84° 36' E,	145.8 ft.
(123) S 34° 40' W,	41.6 ft.	(124) S 53° 14' W,	66.9 ft.
(125) S 08° 22' E,	102.8 ft.	(126) S 23° 47' E,	98.9 ft.
(127) S 39° 12' E,	182.5 ft.	(128) S 12° 23' E,	56.2 ft.
(129) S 11° 58' W,	238.5 ft.	(130) S 05° 45' E,	271.4 ft.
(131) S 12° 57' W,	175.5 ft.	(132) S 27° 21' W,	111.4 ft.
(133) S 33° 52' W,	137.3 ft.	(134) S 20° 56' W,	180.4 ft.
(135) S 12° 11' W,	141.2 ft.	(136) S 18° 12' E,	80.3 ft.
(137) S 36° 42' E,	93.4 ft.	(138) S 63° 11' E,	84.7 ft.
(139) S 78° 29' E,	62.6 ft.	(140) N 43° 21' E,	413.6 ft.
(141) N 50° 11' E,	94.0 ft.	(142) N 38° 19' E,	118.7 ft.
(143) N 42° 35' E,	176.6 ft.	(144) N 28° 00' E,	95.1 ft.
(145) N 09° 43' E,	95.6 ft.	(146) S 64° 54' E,	75.2 ft.
(147) N 85° 57' E,	76.2 ft.	(148) S 52° 30' E,	56.5 ft.
(149) S 78° 45' E,	124.8 ft.	(150) S 66° 45' E,	68.7 ft.
(151) S 54° 35' E,	140.2 ft.	(152) S 52° 34' E,	71.3 ft.
(153) S 80° 33' E,	102.9 ft.	(154) N 57° 42' E,	74.7 ft.
(155) N 10° 00' E,	105.5 ft.	(156) N 31° 42' W,	172.2 ft.
(157) N 50° 50' W,	105.8 ft.	(158) N 61° 59' E,	50.9 ft.
(159) N 86° 21' E,	175.5 ft.	(160) N 62° 34' E,	129.1 ft.
(161) N 50° 14' E,	155.1 ft.	(162) N 26° 30' E,	118.3 ft.
(163) N 04° 46' W,	142.8 ft.	(164) N 50° 13' W,	39.1 ft.
(165) N 15° 13' W,	32.8 ft.	(166) N 03° 34' W,	45.3 ft.
(167) N 18° 06' E,	25.0 ft.	(168) N 19° 40' E,	51.2 ft.
(169) N 01° 07' E,	139.2 ft.	(170) N 03° 43' E,	39.7 ft.
(171) N 06° 08' W,	98.9 ft.	(172) N 08° 46' E,	86.2 ft.

(173) N 06° 08' W,	184.4 ft.	(174) N 14° 51' W,	143.7 ft.
(175) N 09° 53' W,	95.2 ft.	(176) N 18° 48' W,	169.8 ft.
(177) N 20° 29' W,	135.0 ft.	(178) N 22° 55' E,	72.9 ft.
(179) N 13° 23' W,	70.6 ft.	(180) N 65° 47' W,	41.8 ft.
(181) N 53° 10' W,	33.7 ft.	(182) N 38° 13' W,	33.4 ft.
(183) N 14° 51' W,	37.2 ft.	(184) N 01° 10' W,	56.8 ft.
(185) N 21° 53' W,	49.3 ft.	(186) S 82° 10' E,	54.9 ft.
(187) N 70° 27' E,	42.9 ft.	(188) N 59° 44' E,	59.0 ft.
(189) N 22° 11' E,	47.1 ft.	(190) N 05° 17' E,	36.4 ft.
(191) N 13° 41' E,	52.7 ft.	(192) N 47° 11' E,	36.4 ft.
(193) S 86° 24' E,	46.8 ft.	(194) N 39° 46' E,	37.6 ft.
(195) N 43° 44' E,	32.2 ft.	(196) N 69° 27' E,	40.5 ft.
(197) S 09° 57' E,	47.0 ft.	(198) S 50° 01' W,	54.0 ft.
(199) S 07° 31' E,	51.6 ft.	(200) S 49° 45' W,	26.1 ft.
(201) S 24° 37' W,	58.7 ft.	(202) S 51° 05' W,	44.0 ft.
(203) S 75° 23' W,	50.4 ft.	(204) S 38° 39' W,	38.6 ft.
(205) S 53° 30' W,	35.9 ft.	(206) S 15° 43' W,	61.2 ft.
(207) S 48° 10' E,	89.7 ft.	(208) S 68° 01' E,	45.5 ft.
(209) S 28° 37' E,	101.4 ft.	(210) S 03° 46' E,	61.4 ft.
(211) S 79° 40' E,	38.9 ft.	(212) S 33° 29' E,	97.6 ft.
(213) S 07° 36' E,	114.2 ft.	(214) S 21° 00' E,	65.9 ft.
(215) S 31° 17' E,	248.2 ft.	(216) S 53° 21' E,	135.6 ft.
(217) S 83° 47' E,	62.7 ft.	(218) N 55° 11' E,	67.5 ft.
(219) S 82° 18' E,	85.6 ft.	(220) N 30° 56' E,	44.4 ft.
(221) N 70° 20' E,	14.9 ft.	(222) S 09° 27' W,	58.1 ft.
(223) S 49° 07' W,	41.2 ft.	(224) N 77° 49' W,	45.2 ft.
(225) S 34° 04' W,	75.4 ft.	(226) S 50° 03' W,	77.0 ft.
(227) S 20° 53' W,	81.1 ft.	(228) S 10° 45' W,	140.4 ft.
(229) S 11° 34' E,	229.8 ft.	(230) S 08° 12' E,	132.7 ft.

to a stake on the 201.00 foot contour line, also the Ed Hughes 357.98 acre West line,

Thence N 16° 09' E, along the Ed Hughes 357.98 acre West line, 1,806.64 feet to a stake at the S. E. Corner of the Crouch 3.872 acre tract,

Thence N 73° 46' W, 250.00 feet to the S. W. corner of the Crouch 3.872 acre tract,

Thence N 16° 09' E, 564.66 feet to a stake on the 3.872 acre Crouch West line, and the Place of Beginning, containing 292.6242 acres of land.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute

the board of directors of the District:

Dana T. Richardson, Jr.
Dale C. Cheesman, Jr.
Linda P. Richardson
Charlene McVey
Charles W. Austin

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1179, as amended, was passed to engrossment.

HB 1642 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1642, Relating to Harris County Water Control and Improvement District No. 140.

The bill was read second time and was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1642.

HB 1652 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1652, Creating Pine Village Public Utility District.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1652 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Pine Village Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Being a net total of 301.9332 acres, more or less, described by metes and bounds as follows:

Lying wholly in Harris County, Texas, and being 308.3472 acres, more or less, in the Wm. R. Lockwood Survey, A-527, the Thomas Norments Survey, A-601; the Samuel Kelly Survey, A-728, and the John A. Dunn Survey, A-236; and more particularly described by metes and bounds as follows:

Beginning at a point which is the southwest corner of the Wm. R. Lockwood Survey and also an interior corner of the John A. Dunn Survey.

Thence, N 0° 46' 35" E 1322.66 feet along the west line of the Lockwood Survey to a point for corner, said point also being the southeast corner of the Samuel Kelly Survey and a northeast corner of the Dunn Survey.

Thence, N 89° 34' 01" W 330.69 feet along the common line between the Kelly and Dunn Surveys, to a point for corner.

Thence, S 89° 10' 41" W 523.07 feet along the common line between the Kelly and Dunn Surveys to a point for corner, said point being on the east right-of-way line of U. S. Highway 59, as said highway right-of-way was widened by deed dated September 24, 1956, recorded in Volume 3254, Page 380 of the Harris County Deed Records.

Thence, N 12° 17' 30" E 465.91 feet along said right-of-way line to a point for corner.

Thence, N 9° 17' 30" E 401.10 feet along said right-of-way line to a point for corner.

Thence, N 12° 17' 30" E 482.02 feet along said right-of-way line to a point for corner, said point being on the north line of the Kelly Survey and the south line of the Thomas Norments Survey.

Thence, S 89° 44' 20" E 604.95 feet along said common line between the Kelly and Norments Surveys to a point for corner, said corner being the northwest corner of the Lockwood Survey.

Thence, S 89° 44' 20" E 642.91 feet along the common line between the Norments and Lockwood Surveys to a point for corner.

Thence, S 0° 16' 00" W 440.00 feet to a point for corner, said point being on the north right-of-way line of Hamill Road (80 feet wide), said right-of-way having been conveyed to Harris County by deed recorded in Volume 6486, Page 468, dated August 2, 1966, of the Harris County Deed Records.

Thence, S 89° 44' 20" E 990.00 feet along said right-of-way line to a point for corner.

Thence, N 0° 16' 00" E 440.00 feet to a point for corner, said point being on the common line between the Lockwood and Norments Surveys.

Thence, S 89° 44' 20" E, along said line: at 354.42 feet pass the west right-of-way line of Homestead Road, as conveyed to Harris County by deed dated February 11, 1958, recorded in Volume 3508, page 279, Deed Records of Harris County, Texas; at 454.72 feet pass the east right-of-way line of Homestead Road; at 928.51 feet pass the west right-of-way

line of the H. E. & W. T. R.R.; a total distance of 1034.83 feet to the east right-of-way line of the H. E. & W. T. R.R., to a point for corner.

Thence, N 20° 07' 00" E 1416.61 feet along the east right-of-way line of said railroad to a point for corner.

Thence, N 20° 09' 00" E 2277.80 feet along said east right-of-way line to a point for corner.

Thence, S 38° 50' 00" E 1353.94 feet to a point for corner.

Thence, S 0° 43' 00" W 2423.62 feet to a point for corner on the south line of the Thomas Norments Survey and a north line of the John A. Dunn Survey.

Thence, N 89° 44' 20" W 910.28 feet along said common line between the Norments and Dunn Surveys to a point for corner.

Thence, S 0° 12' 15" E 1063.48 feet to a point for corner.

Thence, S 89° 44' 45" W 1235.82 feet to a point for corner, which point lies on a west line of the Dunn Survey and the east line of the Lockwood Survey.

Thence, S 0° 44' 05" W 1548.35 feet along said common line between the Dunn and Lockwood Surveys to a point for corner, said point also being the southeast corner of the Lockwood Survey.

Thence, S 89° 57' 15" W along the south line of the Lockwood Survey: at 311.59 feet, pass the east right-of-way line of Homestead Road; at 411.59 feet, pass the west right-of-way line of Homestead Road; at 888.20 feet, pass the east right-of-way line of the H.E. & W.T. R.R.; at 994.74 feet, pass the west right-of-way line of the H. E. & W. T. R.R.; a total distance of 2631.91 feet to the place of beginning.

Save and Except:

6.414 acres of land, more or less, being that portion of the 100-foot-wide right of way of the H. E. & W. T. Railroad, described by metes and bounds as follows:

Beginning at a point which is the intersection of the west line of the right of way for the H. E. & W. T. Railroad and the north line of the Wm. R. Lockwood Survey, said north line also being the south line of the Thomas Norments Survey.

Thence, S 89° 44' 20" E 106.32 feet to a point for corner in the east line of the right of way for the H. E. & W. T. Railroad.

Thence, S 20° 07' 00" W 2793.71 feet along said east line to a point for corner, said point being on the south line of the Wm. R. Lockwood Survey.

Thence, S 89° 57' 15" W 106.53 feet along said south line to a point for corner on the west line of the right of way of the H. E. & W. T. Railroad.

Thence, N 20° 07' 00" E 2794.32 feet along said west line to the place of beginning.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Ben Blum
Robert I. White
Keith Brown
Gary Atkins
Al Fox

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1652, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1652.

HB 1653 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1653, Dissolving Harris County Water Control and Improvement District No. 97.

The bill was read second time and was passed to engrossment.

VOTES RECORDED

Representatives Braun and Nichols requested to be recorded as voting Nay on passage to engrossment of HB 1653.

HB 1659 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1659, Providing a means by which building lines can be established on highways and roads in Montgomery County.

The bill was read second time.

Mr. Dramberger offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1659 by adding immediately after the phrase "highways and roads in Montgomery County;", in the caption, the following:

"providing for exceptions for certain facilities and properties;"

Committee Amendment No. 2

Amend Section 1 of HB 1659 by adding a new subsection (e) to Section 5-B to read as follows:

"Section 5-B.

"(e) The provisions of this Act or of any orders, regulations or restrictions made or entered under the authority of this Act, shall not apply to the location, construction, maintenance, or use of central office buildings or corporations, firms, or individuals engaged in the furnishing of telephone service to the public, or to the location, construction, maintenance, or use of any

equipment in connection with such buildings or as a part of such telephone system, necessary in the furnishing of telephone service to the public."

The committee amendments were severally adopted without objection.

HB 1659, as amended, was passed to engrossment.

HB 1686 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1686, Creating Colony Hills Public Utility District.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1686 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Montgomery County, Texas, to be known as Colony Hills Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Montgomery County, Texas, and being 154.1259 acres,

more or less, out of the Raleigh Rogers Survey, A-33, and being more particularly described by metes and bounds as follows:

Beginning at a point in the south line of the said Raleigh Rogers Survey, said point being S 89° 39' 00" E 1220.02 feet from the southwest corner of said Raleigh Rogers Survey.

Thence N 00° 24' 00" E 1795.70 feet to a point for corner of the tract of land herein described.

Thence N 89° 39' 00" W 1183.60 feet to a point for corner of the tract of land herein described, said point being in the east right-of-way line of F.M. 149, (100 feet wide).

Thence N 00° 02' 00" W 501.90 feet along the east right-of-way line of the said F.M. 149, to a point.

Thence N 01° 16' 00" W 1203.60 feet along the east right-of-way line of the said F.M. Road 149, to a point for corner of the tract of land herein described.

Thence N 83° 04' 00" E 1444.40 feet to a point for corner of the tract of land herein described.

Thence S 00° 54' 00" W 1340.50 feet to a point for corner of the tract of land herein described.

Thence S 89° 19' 00" E 2319.00 feet to a point for corner of the tract of land herein described.

Thence S 00° 59' 00" W 744.50 feet to a point for corner of the tract of land herein described.

Thence N 89° 17' 00" W 973.50 feet to a point for corner of the tract of land herein described.

Thence S 00° 38' 00" W 1561.80 feet to a point for corner of the tract of land herein described, said point being in the north right-of-way line of Keenan Cutoff Road.

Thence S 88° 39' 00" W 998.70 feet to a point.

Thence N 89° 39' 00" W a distance of 532.00 feet to a point for corner and the place of beginning of the tract of land herein described.

Containing 154.1259 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Wynne L. Creekmore
H. C. Jacobs
E. B. Good
Frank J. Russell
L. D. Jacobs

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1686, as amended, was passed to engrossment.

HB 1690 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1690, Creating Bear Creek Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1690 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation District in Harris County, Texas, to be known as Bear Creek Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Metes and bounds description of a 310.3048 acre tract of land out of the H. & T. C. R. R. Co. Survey, abstract 423, Harris County, Texas

Beginning at a point on the East line of said H. & T. C. R. R. Co. Survey at its intersection with the South right-of-way line of Freeman Road;

Thence South 00° 00' 31" East, along said East line of the H. & T. C. R. R. Co. Survey, 3,726.20 feet to a point for corner;

Thence South 89° 55' 38" West, 3,651.28 feet to a point for corner in the East right-of-way line of Stockdick Road;

Thence North 00° 00' 37" West, along said East right-of-way line of Stockdick Road, 1,579.78 feet to a point for corner in the center line of Bear Creek;

Thence North 89° 59' 24" East, along the center line of Bear Creek, 5.36 feet to a point for corner;

Thence North 00° 00' 37" West, 2,023.37 feet to a point for corner;

Thence North 45° 27' 34" East, 131.52 feet to a point for corner in the South right-of-way line of Freeman Road (F.M. 529);

Thence North 89° 56' 00" East, along said South right-of-way line of Freeman Road, 2,016.42 feet to a point for corner at the beginning of a curve to the left;

Thence Easterly, along the arc of said curve to the left having a radius of 1,970.08 feet, a central angle of 10° 09' 47", a distance of 349.45 feet to a point for corner;

Thence North 89° 54' 51" East, 1,188.24 feet to the Place of Beginning, containing 310.3048 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act become effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Craig Bartlett
Harold Bates
Matt Benton
Dan Doyles
Jim Darby

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this

Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1690, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1690.

HB 1691 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1691, Creating Tall Timbers Utility District of Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1691 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Tall Timbers Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Metes and bounds description of a 179.849 acre tract of land out of the Jesse Pruitt Survey, abstract 629, Harris County, Texas

Beginning at the intersection of the North line of the Jesse Pruitt Survey with the East right-of-way line of Steubner Airline Road (based on 80 foot width);

Thence South 89° 51' 00" East, along the North line of said Pruitt Survey, 2,819.16 feet to a point for corner;

Thence South 00° 30' 00" West, 2,190.54 feet to a point for corner in the Southeast line of said Pruitt Survey;

Thence South 45° 39' 00" West, along said Southeast line of said Pruitt Survey, 2,087.20 feet to a point for corner;

Thence North 44° 31' 00" West, 1,106.83 feet to a point for corner;

Thence North 45° 29' 00" East, 540.00 feet to a point for corner;

Thence North 52° 05' 00" West, 1,161.78 feet to a point for corner in the East right-of-way line of said Steubner Airline Road;

Thence North, 1,775.13 feet to the Place of Beginning, containing 179.849 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Ronnie Boyd
Henry Brooks
Allen Edens
George Hinsley
Granville "Fella" Knight

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1691, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1691.

HB 1692 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1692, Creating Northbrook Municipal Utility District of Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1692 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Northbrook Municipal Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefitted by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Being 396.3153 acres of land out of the John Talbot A-758, M. C. Friedenhaus, A-1260, Demas Elliot A-1071, and the H.T.&B. R.R. A-396 surveys in Harris County, Texas and more particularly being out of that certain 1842.231-acre tract conveyed to The Charter Associates, Inc., by Mary Doris Fondren Allday, et al, by instrument of record at Volume 7644, Page 31, Deed Records, Harris County, Texas; said 396.3153-acre tract being more particularly described by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, South Central Zone):

Beginning at a 1" iron pipe set at the northwest corner of the W. J. Fox Survey, A-1616;

Thence S 02° 16' 51" E, 1245.39 feet to a fence corner marking a southerly southeast corner of the herein described tract and the northeast corner of South Main Gardens as recorded in Volume 30, Page 55, Map Records, Harris County, Texas;

Thence S 87° 26' 55" W, 2394.96 feet to a ½" iron pipe at a fence corner marking a southeasterly reentrant corner of the herein described tract;

Thence S 02° 15' 08" E, 715.84 feet to a ¾" crimped iron pipe in the northeasterly right-of-way line of Harralson Road (60 feet wide);

Thence N 47° 46' 02" W, 3462.20 feet along the northeasterly right-of-way line of said Harralson Road to a ½" iron pipe marking the most

westerly corner of the herein described tract and the northeasterly corner of the intersection of Harralson Road and Riceville Road (60 feet wide);

Thence N 41° 30' 26" E, 175.03 feet along the southeasterly right-of-way line of said Riceville Road to a ½" iron pipe marking a westerly northwest corner of the herein described tract;

Thence N 87° 04' 32" E, 1706.88 feet to a 1" iron pipe in a fence corner of a partially down fence;

Thence N 01° 58' 42" W, 1382.69 feet along a partially down fence to a point in said fence line, said point being on the arc of a curve in the city limits of the City of Houston, Texas;

Thence 985.88 feet along the arc of a curve to the right in said city limits line (said arc having a chord of S 59° 49' 44" E, 980.16 feet, a radius of 2640.00 feet and a central angle of 21° 23' 38") to a point, said point being on the arc of a curve to the right;

Thence 1083.93 feet along the arc of a curve to the right (said arc having a chord of N 42° 58' 25" E, 1076.33 feet, a radius of 2640.00 feet, and a central angle of 23° 31' 18") in said city limits to a point on the east line of a 44.16-acre tract described in an instrument of record at Volume 6717, Page 161, Deed Records, Harris County, Texas;

Thence S 02° 01' 33" E, 1794.65 feet along the east line of the aforementioned 44.16-acre tract to a ½" iron rod in a partially down east-west fence marking the south line of the John Talbot Survey;

Thence N 87° 39' 11" E, 2090.65 feet along said partially down fence and the south line of the said Talbot Survey to a ¾" iron pipe marking the said Talbot southeast corner;

Thence N 02° 20' 18" W, 2220.46 feet along a fence line to a point in said line on the city limits of the city of Houston;

Thence N 87° 29' 03" E, 778.42 feet along said city limits line to a point of curve;

Thence 3496.89 feet along the arc of a curve to the right in said city limits line (said arc having a chord of S 54° 31' 18" E, 3246.86 feet, a radius of 2640.00 feet, and a central angle of 75° 53' 02") to a point for corner;

Thence N 87° 19' 13" E, 64.36 feet to a point in the westerly right-of-way line of Fondren Road (60 feet wide);

Thence S 02° 13' 23" E, 644.85 feet along said westerly right-of-way line to a concrete monument for corner;

Thence S 87° 31' 38" W, 4051.96 feet to the Point of Beginning and containing 396.3153 acres of land.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water

Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

W. J. Dwyer
Fred D. Herring
Allen W. Ward
Lawrence J. Boudloche
E. F. Abercrombie, Jr.

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1692, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1692.

HB 1693 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1693, Creating Malcomson Road Utility District of Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1693 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Malcomson Road Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

A tract or parcel of land containing 140.566 acres, more or less, out of and being a part of the A. Schounten Survey, Abstract No. 685 and the P. J. Menard Survey, Abstract No. 592, Harris County, Texas, being more particularly described by metes and bounds as follows:

Commencing at the Point of Intersection of the South Right-of-Way line of Malcomson Road with the Westerly Right-of-Way line of F.M. 149 (West Montgomery Road).

Thence N 89° 45' 15" W 1745.48 feet along the South Right-of-Way line of Malcomson Road, to a 1 inch iron pipe for the Point of Beginning and Northeast corner of the herein described tract;

Thence S 1° 42' 30" W 241.52 feet to a concrete monument for corner;

Thence S 1° 40' 33" W 1093.78 feet to a concrete monument for corner;

Thence S 0° 08' 26" W 1111.06 feet to a concrete monument being the Southeast corner of the A. Schounten Survey, Abstract No. 685 and the Northeast corner of the P. J. Menard Survey, Abstract No. 592 and being the Southeast corner of the herein described tract;

Thence N 89° 58' 12" W 1441.97 feet along the South line of the aforesaid A. Schounten Survey, to a ½ inch iron pipe for corner;

Thence S 0° 09' 29" W 68.30 feet to a point in the center line of Falkey Gulley, an 80 feet wide drainage easement as conveyed to Harris County Flood Control being of record in Volume 2000 at Page 159 of the Deed Records of Harris County, Texas;

Thence continuing along the centerline meanderings of the aforesaid Falkey Gulley as follows:

S 72° 32' 32" W 179.84 feet,

N 87° 03' 01" W 285.30 feet,

N 68° 50' 50" W 308.20 feet,

N 62° 09' 46" W 316.36 feet to a point in the West line of a 30 feet wide drainage easement as conveyed to Harris County Flood Control in Volume 2444 at Page 219 of the Deed Records of Harris County, Texas and being the most Westerly Southwest corner of the herein described tract;

Thence N 0° 30' 43" E 2334.33 feet to a 2 inch iron pipe in the South Right-of-Way line of Malcomson Road for the Northwest Corner of the herein described tract;

Thence S 89° 12' 06" E along the South Right-of-Way line of Malcomson Road at 1513.97 feet pass a ¾ inch iron rod in a 50 feet wide United Gas Co. pipeline easement being of record in Volume 2461 at Page 684 of the Deed Records of Harris County, Texas and continuing S 89° 12' 06" E a total distance of 2485.13 feet to the Point of Beginning and containing 140.566 acres, more or less, of land.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following

named persons shall be the directors of the District and shall constitute the board of directors of the District:

James Heil
Mona Carey
R. O. Witt
Francis N. Hathorn
William Jack Lindsay

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1693, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1693.

HB 1694 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1694, Creating Longhorn Town Utility District of Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1694 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Longhorn Town Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Metes and bounds description of a 107.1557 acre tract of land out of lots 58 and 59, Meadowbrook Farms out of the John N. O. Smith Survey, abstract 691, Harris County, Texas

Beginning at a point on the South right of way line of U. S. Highway 90 (Interstate 10), said point being on the West line of a 50 acre tract of land conveyed to Travis Marks in Volume 2102, Page 513, of the Harris County Deed Records;

Thence South 88° 43' 33" East, along the South right of way line of said U. S. Highway 90 (Interstate 10), 350.00 feet to a point for corner;

Thence South 01° 59' 36" East, 738.48 feet to a point for corner;

Thence North 88° 33' 00" East, 430.15 feet to a point for corner in the West right of way line of a 60 foot wide road described in deed dated

January 3, 1967 and recorded in Volume 6616, Page 233, of the Harris County Deed Records;

Thence South 02° 02' 14" East, 11.95 feet to a point for corner at the Southwest corner of said 60 foot wide roadway right of way;

Thence North 87° 57' 46" East, along the South line of said 60 foot roadway, 30.00 feet to a point for corner in the East line of said Travis Marks 50 acre tract on the East line of Lot 59 of said Meadowbrook Farms;

Thence South 02° 02' 14" East, 2,948.88 feet to a point for corner on the North line of Barker Reservoir (U.S.A.);

Thence North 89° 58' 05" West, 1,302.18 feet to a point for corner;

Thence South 88° 00' 24" West, 1,278.00 feet to a point for corner in the East right of way line of Baker Road;

Thence North 01° 59' 36" West, along said East right of way line of Baker Road, 1,118.00 feet to a point for corner;

Thence North 88° 00' 24" East, 7.33 feet to a point for corner;

Thence North 01° 59' 36" West, 20.00 feet to a point for corner;

Thence North 88° 00' 24" East, 1,760.20 feet to a point for corner;

Thence North 01° 59' 36" West, 2,539.31 feet to the Place of Beginning, containing 107.1557 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Bob Lindsay
Joe Parks
Gary Pearce
Rick Shubert
Jon Starnes

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at

any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1694, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1694.

HB 1695 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1695, Relating to Harris County Water Control and Improvement District No. 129.

The bill was read second time and was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1695.

HB 1696 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1696, Creating Addicks Utility District of Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1696 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Addicks Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Metes and bounds description of a 175.392 acre tract of land out of a 214.6 acre tract of land out of the W.C.R.R. Co. Survey, Abstract 1022, Harris County, Texas.

Beginning at a point in the East line of said 214.6 acre tract of land at the Northeast corner of a 40.0 acre tract of land conveyed to Theodore Matzke, et ux. by deed recorded in Volume 893, Page 168, of the Harris County Deed Records; said point also being located in the West right of way line of Groschke Road (based on a width of 40 feet);

Thence South 89°59'31" West, along the North line of said Matzke Tract, 1,817.20 feet to a point for corner;

Thence North 00°37'34" West, 4,122.03 feet to a point for corner;

Thence North 89°48'08" East, 1,879.83 feet to a point for corner;

Thence South 3,033.78 feet to a point for corner in the North right of way line of Groschke Road;

Thence South 89°50'44" West, 21.12 feet to a point for corner at an angle point in the North right of way line of said Groschke Road;

Thence South 00°11'12" East, along the West right of way line of said Groschke Road, 1,094.19 feet to the Place of Beginning, containing 175.392 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Dan Fromhoff
Les Greenberg
Jim Gwinn
Jim Higginbotham
Jim Holcomb

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or

unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1696, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1696.

HB 1697 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1697, Creating Rolling Creek Utility District of Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1697 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Rolling Creek Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Metes and bounds description of a 109.441 acre tract of land out of the W. A. Moers Survey, Abstract 976, Harris County, Texas

Beginning at a point for corner on the West line of said W. A. Moers Survey, said point being North 00°20'00" West, 1,103.4 feet from the Southwest corner of said Moers Survey;

Thence North 00°20'00" West, along the West line of said Moers Survey, 2,381.87 feet to a point for corner in the South right of way line of Barker-Cypress Road (based on a width of 60 feet);

Thence North 89°42'25" East, along said Barker-Cypress Road South right of way line, 1,349.69 feet to a point for corner;

Thence South 00°17'35" East, 10.00 feet to a point for corner;

Thence North 89°42'25" East, 255.00 feet to a point for corner;

Thence South 00°17'35" East, 88.00 feet to a point for corner;

Thence North 89°42'25" East, 95.00 feet to a point for corner;

Thence North 21°48'22" West, 94.59 feet to a point for corner;

Thence North 89°42'25" East, 72.00 feet to a point for corner and the beginning point of a curve to the left;

Thence, along said curve to the left having a chord of North 82°35'54" East, 81.02 feet; a central angle of 14°13'04", a radius of 326.50 feet, a distance of 81.02 feet to a point for corner in the South right of way line of said Barker-Cypress Road;

Thence North 89°42'25" East, 191.16 feet to a point for corner in the East line of said W. A. Moers Survey;

Thence South 00°20'01" East, along the East line of said W. A. Moers Survey, 2,376.15 feet to a point for corner;

Thence South 89°32'35" West, 2,008.58 feet to the Place of Beginning, containing 109.441 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water

Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Rick Brugar
Tom Bynum
John Carothers
Oscar Dancy
John Daugherty

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1697, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1697.

(Mr. Doran in the Chair)

HB 1701 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1701, Granting Harris County Fresh Water Supply District No. 61 the authority to construct and maintain flood-prevention improvements.

The bill was read second time and was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1701.

HB 1710 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1710, Creating Enchanted Valley Public Utility District.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1710 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Enchanted Valley Public Utility District, hereinafter called the "District," which shall be a governmental agency and body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District

is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, and being 314.32 acres, more or less, out of the Alexander Burnet Survey, A-109, and the Robert Turner Survey, A-767; and more particularly described by metes and bounds as follows:

Beginning at a 1-inch iron pipe in the east right-of-way line of Telge Road, said iron pipe being N 4° 49' W 1322 feet along the east right-of-way line of Telge Road from the south line of said Alexander Burnet Survey, and the north line of said Robert Turner Survey; said iron pipe also marking the northwest corner of the Alvin Kmiec 16.9-acre tract.

Thence N 85° 11' 0" E 1085.84 feet along the north line of the Alvin Kmiec 16.9-acre tract to a point for corner.

Thence N 7° 45' 0" W 723.26 feet along the westerly line of the John Telge 51.933-acre tract (as described in instrument recorded in Volume 5900, Page 338 of the Harris County Deed Records) to a point for corner, said point lying in the approximate center line of Cypress Creek and also being the northwest corner of said John Telge 51.933-acre tract.

Thence S 89° 45' E 366.04 feet along the center line of Cypress Creek and 75 feet north of the south right-of-way line of a Harris County Flood Control easement to a point for corner.

Thence continuing Easterly and Northerly along the meanders of the center line of Cypress Creek as follows:

N 81° 09' E 268.57 feet to a point for corner.

N 85° 23' E 89.73 feet to a point for corner, said corner being the northeast corner of the John Telge 51.933-acre tract and the most westerly corner of the Jahnke 103.6-acre tract.

Thence continuing Easterly and Northerly along the meanders of the center line of Cypress Creek as follows:

S 83° 18' E 300.56 feet
N 72° 26' E 118.26 feet
N 13° 40' E 90.91 feet
N 0° 24' W 310.09 feet
N 3° 16' W 78.56 feet
N 24° 54' E 83.80 feet
N 45° 08' E 90.47 feet

N 52° 59' E 97.40 feet
N 52° 40' E 80.13 feet
N 75° 03' E 86.21 feet
N 85° 21' E 102.89 feet
S 85° 40' E 121.48 feet
N 73° 54' E 104.64 feet
N 53° 33' E 125.09 feet
N 44° 54' E 147.61 feet
N 44° 04' E 108.55 feet
N 56° 15' E 429.7 feet

N 10° 55' E 109.81 feet to a northeast corner of said Jahnke 103.6-acre tract and the most westerly southwest corner of the M. J. Orton 53.9482-acre tract (as described in instrument recorded in Vol. 4729 Page 490 of the Harris County Deed Records).

Thence continuing Northerly and Easterly along the meanders of the center line of Cypress Creek as follows:

N 20° 24' 42" E 186.20 feet
N 10° 18' 27" E 195.61 feet
N 24° 12' 53" W 277.33 feet
N 11° 16' 38" E 58.55 feet
N 45° 17' 46" E 101.27 feet
N 48° 03' 35" E 207.72 feet
N 21° 39' 28" E 89.66 feet
N 13° 09' 00" E 103.34 feet
N 18° 25' 49" E 200.00 feet
N 16° 23' 23" E 140.09 feet
N 35° 12' 30" E 50.77 feet
N 51° 25' 12" E 236.38 feet
N 74° 56' 50" E 61.11 feet
S 85° 16' 24" E 47.69 feet
S 77° 01' 04" E 80.30 feet
S 72° 44' 05" E 79.01 feet
S 56° 18' 55" E 29.41 feet
S 41° 52' 51" E 55.23 feet
S 16° 55' 55" E 57.75 feet
S 31° 25' 38" W 104.10 feet
S 22° 04' 17" W 56.74 feet
S 13° 43' 13" W 59.36 feet
S 21° 03' 47" E 75.79 feet
S 59° 42' 24" E 96.90 feet
S 47° 24' 26" E 79.46 feet
S 34° 19' 06" E 96.37 feet
S 24° 57' 50" E 102.76 feet
S 81° 08' 20" E 121.72 feet
S 88° 56' 39" E 20.62 feet
N 78° 52' 36" E 63.24 feet
N 60° 26' 55" E 40.00 feet
N 49° 07' 53" E 101.98 feet
N 83° 21' 20" E 86.34 feet
N 28° 37' 11" E 118.87 feet
N 65° 13' 49" E 59.10 feet
N 57° 32' 37" E 26.93 feet
N 28° 10' 14" E 75.66 feet
N 35° 46' 09" E 38.00 feet
N 29° 39' 53" E 75.43 feet

N 27° 01' 27" E 13.81 feet to a point for corner, said corner being a northeast corner of the M. J. Orton, Jr., 53.9482-acre tract.

Thence S 0° 40' 32" W 1030.45 feet along an easterly line of said M. J. Orton, Jr., 53.9482-acre tract to a point for corner.

Thence S 89° 22' 08" E 579.16 feet to a point in the westerly right-of-way line of Huffmeister Road for corner.

Thence S 0° 34' 56" W 376.88 feet along the westerly right-of-way line of Huffmeister Road to a point for corner, said point also being the northeast corner of Cypress Creek Plaza Subdivision (as described in instrument recorded in Volume 45, Page 69 of the Map Records of Harris County, Texas).

Thence West 190.0 feet along the north line of said Cypress Creek Plaza Subdivision to the northeast corner of Lot 10, Block 1 of said subdivision.

Thence S 1° 0' 45" W 342.0 feet along the east line of said Lot 10 to the southeast corner of said Lot 10.

Thence West 258.04 feet along the south line of said Lot 10 to the southwest corner of said Lot 10.

Thence S 55° 57' 28" W 64.58 feet across Cypress Creek Boulevard to the southeast corner of Lot 27, Block 2 of said Cypress Creek Plaza Subdivision.

Thence S 77° 37' 15" W 249.9 feet along the south line of said Lot 27 to the southwest corner of said Lot 27.

Thence S 12° 20' 22" E 320.59 feet along the east lines of Lots 25, 24 and 23 of Block 2 of said Cypress Creek Plaza Subdivision.

Thence S 89° 53' 12" E 252.82 feet along the south line of said subdivision and the north line of the M. J. Orton, Jr., 22-acre tract (as described in instrument recorded in Volume 5404 Page 590 of the Deed Records of Harris County, Texas), to a point for corner.

Thence South 208.71 feet along an easterly line of said M. J. Orton, Jr., 22-acre tract to a point for corner.

Thence N 89° 07' E 417.42 feet along a northerly line of the M. J. Orton 22-acre tract to a point for corner in the westerly right-of-way line of Huffmeister Road.

Thence South 836.79 feet along the westerly right-of-way line of Huffmeister Road to a point for corner, said corner being the southeast corner of the M. J. Orton, Jr., 6-acre tract (as described in instrument recorded in Volume 5086 Page 600 of the Deed Records of Harris County, Texas).

Thence S 89° 07' W 1243.5 feet along the south right-of-way line of said M. J. Orton 6-acre tract and along the north right-of-way line of a 40-foot wide private road to a point for corner.

Thence N 0° 23' 10" W 115.75 feet along the west line of said M. J. Orton 6-acre tract to a point for corner.

Thence N 89° 56' 40" W 391.58 feet through a 726-acre tract known as the "Bedami tract", to a point for corner.

Thence S 0° 6' E 110.0 feet to a point for corner.

Thence N 89° 56' 40" W 442.61 feet along a south line of the 26-acre Bedami tract to a point for corner, said point being in the east line of the 103.6-acre Jahnke tract.

Thence S 0° 24' 20" E 417.42 feet along the east line of said 103.6-acre Jahnke tract and the east right-of-way line of Knigge Road to a point for corner.

Thence S 0° 32' E 1192.69 feet along the east right-of-way line of Knigge Road to a point for corner, said point being in the north right-of-way line of Cypress-North Houston Road.

Thence S 77° 43' W 1098.06 feet across Knigge Road and along the south line of said 103.6-acre Jahnke tract and the north right-of-way line of Cypress-North Houston Road to a point for corner, said corner also being the southeast corner of said John Telge 51.933-acre tract.

Thence S 77° 07' 30" W 955.31 feet along the north right-of-way line of Cypress-North Houston Road and the south line of said 51.933-acre John Telge tract to a point for corner, said point being in the west right-of-way line of North Kolbe Road.

Thence N 17° 15' W 941.07 feet along the west right-of-way line of North Kolbe Road to a point for corner, said point being in the south line of the 4.5-acre Alvin Kmiec tract.

Thence S 84° 36' 17" W 696.91 feet to the southwest corner of the 4.5-acre Alvin Kmiec tract.

Thence N 4° 49' W 281.81 feet to the northwest corner of the 4.5-acre Alvin Kmiec tract, said point being in the south line of the 16.9-acre Alvin Kmiec tract.

Thence N 85° 44' W 626.13 feet to the southwest corner of the 16.9-acre Alvin Kmiec tract, said point being in the east right-of-way line of Telge Road.

Thence N 4° 49' W 570.0 feet along the east right-of-way line of Telge Road and the west line of the 16.9-acre Alvin Kmiec tract to the point of beginning.

Containing 314.32 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in con-

flict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Francis C. Johnson
Charles Landrum
Helena Shram
James De Shazo
Barbara Keller

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1710, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1710.

HB 1711 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1711, Creating Northwest Municipal Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1711 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Northwest Municipal Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

151.5451 acres of land out of the John S. Ricketts Survey, Abstract No. 671, The M. H. Bundick Survey, Abstract No. 111, and the Andrew Jones Survey, Abstract No. 480, in Harris County, Texas, and being described as three tracts of land in deeds from Elsie Quade Hillegeist to Harold Dahman, et ux, and recorded in Volume 4918, Page 79 (called—36.58 acres in the Ricketts Survey); Volume 3203, Page 325 (called—63 acres in the Bundick Survey); and Volume 7733, Pages 570 and 572 (called—44.5 acres in Jones Survey), of the Deed Records of Harris County, Texas, and said 151.5451 acre tract is more particularly described by metes and bounds as follows:

Beginning at a T-rail found in a fence corner, marking the northeast corner of said 36.58 acre (call) tract, the southeast corner of said 63 acre (call) tract, and the South corner of said 44.5 acre (call) tract, and which corner is also the common corner of the Ricketts, Bundick, Jones, and the A. Bodin, Abstract No. 133, Surveys, and being an angle point in the east line of the herein described 151.5451 acre tract;

Thence South 00 degrees 48 minutes 39 seconds East with a fence along the east line of said 36.58 acre (call) tract, and the line dividing the Ricketts and the Bodin Surveys, a distance of 344.26 feet to an angle in said line;

Thence continuing with said line and fence, South 00 degrees 50 minutes 38 seconds East a distance of 1257.68 feet to an angle in said line;

Thence continuing with said line and fence, South 1 degree 00 minutes 48 seconds East a distance of 333.58 feet to an angle in said line;

Thence continuing with said line and fence, South 00 degrees 47 minutes 24 seconds East a distance of 567.49 feet to an angle in said line;

Thence continuing with the said East line of the 36.58 acre (call) tract, and the dividing line of the Ricketts and the Bodin Surveys, and with a fence, South 00 degrees 43 minutes 09 seconds East, at 164.36 feet pass a fence post on line and a fence running West, and continuing for a total distance of 239.01 feet to a $\frac{5}{8}$ inch iron rod set for the South corner of the herein described 151.5451 acre tract and being the South corner of the 36.58 acre (call) tract, located in the Easterly right of way line of Huffmeister Road (60 feet in width), in a curve to the right;

Thence in a Northwesterly direction, with the Easterly right of way line of Huffmeister Road, and said curve to the right having a radius of 100.20 feet, a central angle of 20 degrees 12 minutes 04 second, and a chord length of 35.15 feet bearing North 34 degrees 39 minutes 32 seconds West, a distance along the arc of said curve of 35.33 feet (called, 24 feet) to a $\frac{5}{8}$ inch iron rod set the point of tangency of said curve in the Easterly right of way of said Huffmeister Road;

Thence North 24 degrees 33 minutes 32 seconds West with a fence along the Easterly right of way line of Huffmeister Road, a distance of 2156.89 feet to a point for the Southwest corner of a 2.0040 acre tract conveyed by Elsie Hillegeist to Tevan B. Kleb, et ux, by deed recorded in Volume 3477, Page 562 of the Deed Records of Harris County, Texas;

Thence North 65 degrees 27 minutes 00 seconds East with a fence along the South line of said 2.0040 acre tract, at 0.85 feet pass a $\frac{3}{4}$ inch iron pipe found on line, and continuing for a total distance of 291.15 feet (called, 290.40 feet) to a $\frac{3}{4}$ inch iron pipe found marking the Southeast corner of said 2.0040 acre tract;

Thence North 24 degrees 34 minutes 01 second West with a fence along the East line of said 2.0040 acre tract, a distance of 299.72 feet (called, 300 feet) to a $\frac{3}{4}$ inch iron pipe found marking the northeast corner of said 2.0040 acre tract;

Thence South 65 degrees 30 minutes 02 seconds West with the North line of said 2.0040 acre tract, and a fence, at 290.62 feet pass a $1\frac{1}{4}$ inch

iron pipe found on line, and continuing for a total distance of 291.11 feet to the Northwest corner of said 2.0040 acre tract, located in the Easterly right of way line of Huffmeister Road;

Thence North 24 degrees 33 minutes 32 seconds West with the fence along the Easterly right of way line of Huffmeister Road, a distance of 400.39 feet to a $\frac{1}{2}$ inch iron rod set for the point of curve of a curve to the left in the Easterly right of way line of Huffmeister Road;

Thence in a Northwesterly direction, continuing with the Easterly right of way line of Huffmeister Road, and with said curve to the left having a radius of 189.00 feet, a central angle of 24 degrees 56 minutes 02 seconds, and a chord length of 81.60 feet bearing North 37 degrees 00 minutes 56 seconds West, a distance along the arc of said curve of 82.25 feet to a $\frac{1}{2}$ inch iron rod set at the intersection of the said Easterly right of way line of Huffmeister Road with the West line of the said 36.58 acre (call) tract, which is the West line of the M.M. Grove Estate 279 acre tract;

Thence North 24 degrees 32 minutes 47 seconds West with the West line of said 36.58 acre (call) tract and the East line of the Grove Estate 279 acre tract, at 8.16 feet pass the center-line of a lane bearing Northeast, and continuing for a total distance of 45.15 feet to an old T-rail found marking the Northwest corner of said 36.58 acre (call) tract, the Northeast corner of the M. M. Grove Estate 279 acre tract, the Southwest corner of the said 63 acre tract (call), and the Southeast corner of the Eva M. Zahn 275.3 acre tract, and which corner is located in the line dividing the J. S. Ricketts Survey and the M. H. Bundick Survey;

Thence North 11 degrees 30 minutes 32 seconds West, at 2.5 feet cross a H. L. and P. Co. and Southwestern Bell Telephone Co. service line running East and West, and continuing for a total distance of 4.5 feet to a fence post in the dividing line between the said 63 acre (call) tract and the Zahn 275.3 acre tract;

Thence with a fence along the dividing line of said 63 acre (call) tract and said Zahn 275.3 acre tract, North 8 degrees 40 minutes 23 seconds East a distance of 490.10 feet to an angle in said line;

Thence continuing with said line and fence, North 8 degrees 31 minutes 29 seconds East a distance of 500.00 feet to an angle in said line;

Thence continuing with said line and fence, North 8 degrees 40 minutes 25 seconds East a distance of 500.00 feet to an angle in said line;

Thence continuing with said line and fence, North 8 degrees 31 minutes 29 seconds East a distance of 500.00 feet to an angle in said line;

Thence continuing with said line and fence, North 8 degrees 30 minutes 06 seconds East a distance of 500.00 feet to an angle point in said line;

Thence North 8 degrees 40 minutes 02 seconds East, continuing with the dividing line of the said 63 acre (call) tract and the Zahn 275.3 acre tract, and a fence, a distance of 347.53 feet to an old T-rail found marking the Northwest corner of the said 63 acre (call) tract and the Northwest corner of the herein described 151.5451 acre tract, and being also a reentrant corner of the Zahn 275.3 acre tract;

Thence South 89 degrees 29 minutes 08 seconds East with a fence along the North line of said 63 acre tract (call) and the Easterly portion of the South line of the Zahn 275.3 acre tract, at 771.74 feet (called, 750 feet) pass the Northeast corner of said 63 acre (call) tract, the Northwest corner of the said 44.5 acre (call) tract, and the Northwest corner of the Andrew Jones Survey, and continuing with the same course, but now with the North line of said 44.5 acre (call) tract, and the North line of said Jones Survey and the Easterly portion of the South line of the Bundick Survey, and with a fence, a total distance of 977.61 feet to an angle in said line;

Thence South 89 degrees 27 minutes 32 seconds East, continuing with the North line of said 44.5 acre (call) tract and the North line of the Jones Survey, which is the South line of the Bundick Survey, a distance of 538.26 feet to an angle in said line;

Thence continuing with the same line and a fence, South 89 degrees 36 minutes 36 seconds East, a distance of 242.22 feet to the intersection of said line with the center-line of Little Cypress Creek, for the most Northerly Northeast corner of the herein described 151.5451 acre tract and the most Northerly Northeast corner of said 44.5 acre (call) tract;

Thence with the meanders of the center-line of Little Cypress Creek as follows:

South 1 degree 11 minutes 06 seconds West, 452.08 feet;

South 11 degrees 18 minutes 37 seconds East, 63.80 feet;

South 27 degrees 22 minutes 04 seconds East, 68.85 feet;

South 60 degrees 22 minutes 13 seconds East, 74.74 feet;

South 81 degrees 58 minutes 28 seconds East, 53.88 feet;

South 87 degrees 49 minutes 25 seconds East, a distance of 321.87 feet to the most Easterly Northeast corner of said 44.5 acre (call) tract, and the most Easterly Northeast corner of the herein described 151.5451 acre tract;

Thence South 33 degrees 22 minutes 51 seconds West with the Easterly line of said 44.5 acre (call) tract, at 239.98 feet pass a fence post on line and fence running West, and continuing with said line and now with a fence a total distance of 398.91 feet to an angle in said line;

Thence South 33 degrees 08 minutes 49 seconds West continuing with the fence along said line a distance of 477.27 feet to an angle in said line;

Thence continuing with said line and said fence, South 33 degrees 37 minutes 17 seconds West a distance of 312.74 feet to a fence post at an angle in said line and a cross fence running Southeast;

Thence continuing with said line and fence, South 33 degrees 25 minutes 12 seconds West a distance of 611.22 feet to a fence post at an angle in said line and a cross fence running Southeast;

Thence continuing with the Easterly line of said 44.5 acre (call) tract, and a fence, South 33 degrees 26 minutes 49 seconds West, a distance of 780.47 feet to the Place of Beginning, and containing within these calls 151.5451 acres of land, 86.5177 acres of which lie in the John S. Ricketts Survey, 64.5997 acres in the M. H. Bundick Survey, and 50.4277 acres in the Andrew Jones Survey.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Cecil L. Holley
James M. Hawkins
Pete Macy Smith
Gregory John Wellington
Royden Burwell Bowen III

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Sec. 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity re-

quiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1711, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1711.

HB 1727 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1727, Creating Roman Forest Public Utility District No. 4 in Montgomery County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1727 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Montgomery County, Texas, to be known as Roman Forest Public Utility District No. 4, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Montgomery County, Texas and being 415.64 acres, more or less out of the Pryor Bryan Survey, A-76 and more particularly described by metes and bounds as follows:

Commencing at a $\frac{3}{4}$ " iron pipe in a fence corner, said pipe being S 00° 51' 08" E, 55.55 feet from a fence corner marking the northeast corner of that certain 1000-acre tract conveyed by instrument of record at Vol. 130, Page 279, Montgomery County Deed Records.

Thence S 00° 51' 08" W, 7308.57 feet with the west line of a 3208-acre tract of land more fully described in a deed recorded in Volume 721, Page 792 of the Montgomery County Deed Records, to a fence corner at the southwest corner of said 3208-acre tract.

Thence N 88° 39' 26" E 3665.92 feet with the south line of said 3208-acre tract to a $\frac{5}{8}$ -inch iron rod marking the southwest corner of the herein described tract and being the place of beginning.

Thence N 11° 01' 00" E 1884.89 feet to a $\frac{5}{8}$ -inch iron rod.

Thence N 01° 55' 41" W 1469.57 feet to a $\frac{5}{8}$ -inch iron rod.

Thence N 88° 50' 00" E 2180.00 feet to a point.

Thence S 76° 10' 00" E 1815.00 feet to a point.

Thence S 47° 15' 00" E 570.00 feet to a point.

Thence S 76° 31' 19" E 1964.23 feet to a point.

Thence S 00° 30' 00" E 1930.00 feet to a point.

Thence S 88° 39' 26" W 6600.00 feet to the place of beginning.

Containing 415.64 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Ernest O. Stark
M. L. Henry
Marion L. Vackar
Mike Nuby
Frank Azzarello, Jr.

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1727, as amended, was passed to engrossment.

HB 1728 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1728, Creating Roman Forest Public Utility District No. 5 in Montgomery County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1728 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and

reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Montgomery County, Texas, to be known as Roman Forest Public Utility District No. 5, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Montgomery County, Texas, being 1049.98 acres, more or less out of the Pryor Bryan Survey, A-76 and more particularly described by metes and bounds as follows:

Commencing at a 3/4" iron pipe in a fence corner, said pipe being S 00° 51' 08" E, 55.55 feet from a fence corner marking the northeast corner of that certain 1000-acre tract conveyed by instrument of record at Vol. 130, Page 279, Montgomery County Deed Records.

Thence N 89° 04' 42" E 8714.91 feet with the north line of a 3208-acre tract of land more fully described in a deed recorded in Volume 721, Page 792 of the Montgomery County Deed Records to a point being the northwest corner of the tract herein described and being the place of beginning.

Thence S 26° 15' 00" E 815.00 feet to a point.

Thence S 62° 00' 00" W 465.00 feet to a point.

Thence S 08° 25' 56" W 1636.38 feet to a point.

Thence S 46° 50' 00" W 460.00 feet to a point.

Thence S 13° 15' 00" W 1520.00 feet to a point.

Thence S 76° 10' 00" E 295.00 feet to a point.

Thence S 47° 15' 00" E 570.00 feet to a point.

Thence S 76° 31' 19" E 1964.23 feet to a point.

Thence S 00° 30' 00" E 1930.00 feet to a point.

Thence N 88° 39' 26" E 5500.00 feet to a point.

Thence N 17° 20' 00" E 1225.00 feet to a point.

Thence N 72° 25' 00" W 270.00 feet to a point.

Thence N 03° 15' 00" E 1075.00 feet to a point.

Thence N 24° 55' 00" W 1800.00 feet to a point.

Thence N 47° 27' 36" W 1371.29 feet to a point.

Thence N 06° 50' 00" E 1400.00 feet to a point.

Thence N 02° 55' 00" E 930.00 feet to a point on the north line of said 3208-acre tract.

Thence S 89° 41' 57" W 4920.00 feet with said north line to a point.

Thence S 00° 15' 58" W 84.66 feet with said north line to a point.

Thence S 89° 04' 42" W 850.00 feet with said north line to the place of beginning.

Containing 1049.98 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

William C. Bennett
Leon Brown
Edward Grawl, Jr.
Ralph D. Hester
Robert D. Lake

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because

of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1728, as amended, was passed to engrossment.

HB 1729 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1729, Creating Roman Forest Public Utility District No. 6 in Montgomery County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1729 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Montgomery County, Texas, to be known as Roman Forest Public Utility District No. 6,

hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Montgomery County, Texas and being 658.18 acres, more or less out of the Pryor Bryan Survey, A-76 and more particularly described by metes and bounds as follows:

Commencing at a $\frac{3}{4}$ " iron pipe in a fence corner, said pipe being S 00° 51' 08" E 55.55 feet from a fence corner marking the northeast corner of that certain 1000-acre tract conveyed by instrument of record at Vol. 130, Page 279, Montgomery County Deed Records.

Thence N 89° 04' 42" E 9564.91 feet with the north line of a 3208-acre tract of land more fully described in a deed recorded in Volume 721, Page 792 of the Montgomery County Deed Records, to a point.

Thence N 00° 15' 58" E 84.66 feet with said north line to a point.

Thence N 89° 41' 57" E 4920.00 feet with said north line to a point, being the northwest corner of the tract herein described and the place of beginning.

Thence N 89° 41' 57" E 1468.54 feet with said north line to a point.

Thence N 89° 20' 54" E 1455.20 feet with said north line to a point.

Thence N 88° 51' 04" E 927.99 feet with said north line to a point.

Thence N 89° 31' 57" E 1645.06 feet with said north line to a point.

Thence S 18° 51' 49" E 1509.98 feet to a point.

Thence S 53° 09' 56" W 1417.44 feet to a point.

Thence S 23° 58' 14" E 1838.74 feet to a point.

Thence S 46° 54' 26" W 3936.48 feet to a point.

Thence S 06° 16' 11" E 510.02 feet to a point.

Thence S 52° 49' 07" W 121.59 feet to a point.

Thence S 88° 39' 26" W 1295.46 feet with the south line of said 3208-acre tract to a point.

Thence N 17° 20' 00" E 1225.00 feet to a point.

Thence N 72° 25' 00" W 270.00 feet to a point.

Thence N 03° 15' 00" E 1075.00 feet to a point.

Thence N 24° 55' 00" W 1800.00 feet to a point.

Thence N 47° 27' 36" W 1371.29 feet to a point.

Thence N 06° 50' 00" E 1400.00 feet to a point.

Thence N 02° 55' 00" E 930.00 feet to the place of beginning.

Containing 658.18 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Ronald L. Legate
F. J. Perry
Griffith P. Temple
W. D. Kennard
Gary Kob

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be

electd or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1729, as amended, was passed to engrossment.

HB 1730 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1730, Creating Robin Public Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1730 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Robin Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the

field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, and being 117.3295 acres, more or less, out of the John Merry League, A-49, and more particularly described by metes and bounds as follows:

Commencing for reference at a 3/4-inch iron rod set at the intersection of the east right-of-way line of Crosby Huffman Road, (F.M. 2100) 80.00 feet wide, with the south right-of-way line of Huffman-Eastgate Road, 60.00 feet wide.

Thence, S 12° 00' 41" W, 1161.49 feet following along the east right-of-way line of said Crosby-Huffman Road (F.M. 2100), to a point of curve.

Thence, continuing along the east right-of-way line of said Crosby-Huffman Road (F.M. 2100), along a curve to the left having a radius of 532.96 feet, a central angle of 30° 25' 41", a length of 283.04 feet, a distance of 200.28 feet to a 1" iron pipe, and the place of beginning of the tract of land herein described.

Thence, S 89° 59' 00" E, 5442.98 feet to a point for corner.

Thence, S 05° 00' 00" W, 977.45 feet to a point for corner.

Thence, West 5039.79 feet to a point for corner in the east right-of-way line of said Crosby-Huffman Road (F.M. 2100).

Thence, N 18° 25' 00" W, 943.40 feet following along the east right-of-way line of said Crosby-Huffman Road (F.M. 2100) to a point for curve.

Thence, continuing along the east right-of-way line of said Crosby-Huffman Road (F.M. 2100) and following along a curve to the right, having a radius of 532.96 feet, a central angle of 30° 25' 41", a length of 283.04 feet, a distance of 82.76 feet to the place of beginning of the tract of land herein described.

Containing 117.3295 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions

conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Mary Lee Lewis
Wanda Lou Rogers
Linda Sue Werchaw
Carl Ricklefsen
Carl Schulse

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1730, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1730.

LEAVE OF ABSENCE GRANTED

The following Member was granted leave of absence for the remainder of today on account of important business:

Mr. Gammage on motion of Mr. Joe Allen.

CONSIDERATION OF BILLS ON THE LOCAL AND
CONSENT CALENDAR—(continued)

HB 1732 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1732, Creating Aldine Public Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1732 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Aldine Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas and being 239.6788 acres more or less out of the Jos. McGinnis Survey, A-587, the John Marke Survey, A-555, and the William Ritchie Survey, A-650, described as follows:

Being 242.0988 acres, more or less, described as follows:

Beginning at the southeast corner of the Jos. McGinnis Survey, A-587.

Thence N 89° 42' E 794.48 feet to a point for a corner.

Thence S 0° 18' E 1324.15 feet to a point for a corner.

Thence S 89° 42' W 1312.98 feet to a point for a corner in the east line of the John Marke Survey, A-555.

Thence S 0° 18' E 169.69 feet along the east line of the John Marke Survey, A-555, to a point for a corner.

Thence S 89° 42' W 800.00 feet to a point for a corner.

Thence S 0° 18' E 2020.00 feet to a point in the north right-of-way line of Lauder Road.

Thence S 89° 42' W 1191.64 feet following the north right-of-way line of Lauder Road to a point for a corner.

Thence N 0° 18' W 3513.84 feet following in part the east right-of-way line of a 60-foot drainage easement to a point in the south line of the Jos. McGinnis Survey.

Thence S 89° 42' W 64.74 feet along the south line of the Jos. McGinnis Survey to a point for a corner.

Thence N 0° 15' W 1010.60 feet to a point for a corner.

Thence S 86° 02' 30" E 260.37 feet to a point for a corner.

Thence N 0° 15' W 981.84 feet to a point for a corner.

Thence N 89° 45' E 346.28 feet to a point for a corner.

Thence N 0° 15' W 649.50 feet to a point in the south right-of-way line of Aldine Bender Road (F.M. 525).

Thence S 84° 48' 40" E 312 feet along the south right-of-way line of Aldine Bender Road, (F.M. 525), to a point for a corner.

Thence S 0° 01' 30" E 2593.49 feet to a point for a corner in the south line of the Jos. McGinnis Survey.

Thence N 89° 42' E 1084.49 feet following the south line of the Jos. McGinnis Survey to a point for a corner.

Thence N 0° 01' 30" W 170.64 feet to a point for a corner.

Thence S 89° 58' 30" W 290.00 feet to a point for a corner.

Thence N 0° 01' 30" W 1070.00 feet to a point for a corner.

Thence N 89° 58' 30" E 120.00 feet to a point for a corner.

Thence N 0° 01' 30" W 490.00 feet to a point for a corner.

Thence S 89° 58' 30" W 120.00 feet to a point for a corner.

Thence N 0° 01' 30" W 784.47 feet to a point for a corner in the south right-of-way line of Aldine Bender Road (F.M. 525).

Thence S 84° 48' 40" E 424.21 feet along the south right-of-way line of Aldine Bender Road (F.M. 525), to the point of a curve to the left whose radius is 1960.00 feet.

Thence continuing with the south right-of-way line of Aldine Bender Road (F.M. 525), which is the curve to the left whose radius is 1960.00 feet, 262.41 feet to a point for a corner.

Thence S 0° 01' 30" E 141.40 feet to a point for a corner.

Thence S 89° 58' 30" W 200.00 feet to a point for a corner.

Thence S 0° 01' 30" E 537.16 feet to a point for a corner.

Thence N 89° 58' 30" E 390.85 feet to a point for corner in the east line of the Jos. McGinnis Survey.

Thence S 0° 01' 30" E 60.00 feet following the east line of the Jos. McGinnis Survey, to a point for a corner.

Thence S 89° 58' 30" W 106.85 feet to a point for a corner.

Thence S 0° 01' 30" E 490.00 feet to a point for a corner.

Thence N 89° 58' 30" E 106.85 feet to a point for a corner in the east line of the Jos. McGinnis Survey.

Thence S 0° 01' 30" E 1070.00 feet following the east line of the Jos. McGinnis Survey to a point for a corner.

Thence S 89° 58' 30" W 525.85 feet to a point for a corner.

Thence S 0° 01' 30" E 170.37 feet to a point for a corner in the south line of the Jos. McGinnis Survey.

Thence N 89° 42' E 525.86 feet following the south line of the Jos. McGinnis Survey to the point of beginning.

Save and except a 2.42-acre tract described as follows:

Commencing at the southeast corner of the Jos. McGinnis Survey, A-587.

Thence N 0° 01' 30" E 1788.00 feet following the east line of said Jos. McGinnis Survey to a point.

Thence S 89° 58' 30" W 470.85 feet to the point of beginning.

Thence S 89° 58' 30" W 273.19 feet to a point for a corner.

Thence N 0° 01' 30" W 150.00 feet to a point for a corner.

Thence N 89° 58' 30" E 73.19 feet to a point for a corner.

Thence N 0° 01' 30" W 322.69 feet to a point for a corner.

Thence N 89° 58' 30" E 200.00 feet to a point for a corner.

Thence S 0° 01' 30" E 472.69 feet to the point of beginning.

Leaving a net acreage of 239.6788 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Clifford Cooper
Charles A. Semple
Robert John Stoerner
Mildred Stoerner
M. E. Higginbotham

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1732, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1732.

HB 1735 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1735, Creating Huffsmith Road Public Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1735 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Huffsmith Road Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity

of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, and being 214.267 acres, more or less, out of the George Galbraith Survey, A-22, and the W. H. March Survey, A-567, being the same tract described in deed recorded in Volume 6641, Page 337 of the Deed Records of Harris County, and being more particularly described by metes and bounds as follows:

Beginning at an old $\frac{3}{4}$ " square iron rod in the north right-of-way line of Huffsmith Road (60 feet wide), and being the same $\frac{3}{4}$ " square rod described in boundary agreement between G. J. Klenk, et al, and R. A. Martens, et al, recorded in Volume 994, Page 78 of the Deed Records of Harris County.

Thence, S 88° 48' 41" W 1136.42 feet with the north right-of-way line of Huffsmith Road to a $\frac{3}{4}$ " iron pipe found marking the southwest corner of the tract herein described.

Thence, N 1° 09' 54" W (at 335.30 feet pass the calculated point for the common corner of the said Galbraith and March Surveys) a distance of 1397.75 feet to a $\frac{3}{8}$ " iron rod found marking an angle point in the west line of the tract herein described.

Thence, N 1° 08' 56" W (at 6305.99 feet pass a $\frac{3}{4}$ " iron pipe from which a 20" sweet gum marked "X" bears N 20° 00' E 34.10 feet) a distance of 6363.70 feet to the center line of Spring Creek, marking the common line between the said George Galbraith Survey and the Isaac Mansfield Survey, A-344, Montgomery County, Texas.

Thence, with the meanders of the center line of Spring Creek and said common line, as follows:

N 27° 16' 04" E	79.490 feet
N 44° 01' 03" E	81.850 feet
N 84° 52' 51" E	52.660 feet
S 35° 10' 02" E	84.170 feet
S 46° 42' 59" E	41.100 feet
S 80° 15' 04" E	87.390 feet
S 84° 31' 31" E	100.350 feet
N 86° 09' 46" E	90.800 feet
N 84° 40' 00" E	75.960 feet
N 85° 23' 00" E	113.070 feet
N 40° 59' 40" E	74.900 feet

N 32° 34' 16" E 57.090 feet
S 56° 24' 17" E 44.080 feet
S 76° 01' 59" E 92.550 feet
N 76° 10' 44" E 26.930 feet
N 33° 10' 30" E 94.850 feet
N 12° 42' 43" E 31.320 feet
N 21° 16' 46" W 37.240 feet
N 22° 23' 57" E 47.800 feet
N 18° 05' 34" E 103.190 feet
N 30° 20' 10" E 65.800 feet
N 21° 19' 59" E 69.340 feet
N 08° 25' 04" E 40.180 feet
N 20° 26' 37" E 24.650 feet
S 38° 27' 01" E 44.920 feet
S 38° 10' 10" E 122.480 feet

Thence, S 74° 24' 07" E 28.21 feet to a point for the northeast corner of a tract described in deed recorded in Volume 3886, Page 491 and the northeast corner of the tract herein described; also the northwest corner of a tract described in deed recorded in Volume 5529, Page 593 of the Deed Records of Harris County, Texas.

Thence, S 0° 31' 45" E 5080.70 feet with the west line of the last named tract (at a distance of 75.57 feet pass an old $\frac{3}{4}$ " iron pipe from which an elm 22" marked "X" bears N 77° W 614.4 feet) to a $\frac{5}{8}$ " iron rod marking the southwest corner of the last-named tract, in the east line of the tract herein described, same being also the northwest corner of the tract described in the aforementioned boundary agreement.

Thence, S 0° 27' 07" E 3087.47 feet, crossing the common line between the said Galbraith and March Surveys, to the place of beginning.

Containing 214.267 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have an exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

James Gay
Doug Norman
Jim Nance
John Gay
Bob Gray

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail

to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1735, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1735.

(Mr. Cruz in the Chair)

HB 1736 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1736, Creating Kuykendahl Road Public Utility District No. 2 in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1736 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Kuykendahl Road Public Utility District No. 2, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas and being 573.698 acres, more or less, out of the George Galbraith Survey, A-22, and the William White Survey, A-829, (being 583.699 acres from which a 10.001-acre tract hereinafter described is excepted), described as follows:

Being 583.699 acres, more or less, more fully described by metes and bounds as follows:

Beginning at a point in the center line of Spring Creek, being the northeast corner of a tract described in deed recorded in Volume 3886, Page 491 of the Deed Records of Harris County, Texas; said beginning point being on the common boundary line of the said George Galbraith Survey and the Isaac Mansfield Survey, A-344, Montgomery County, Texas.

Thence, with the said common boundary, following the meanders of the center line of Spring Creek as follows:

S 71° 29' 00" E, 187.830 feet
N 42° 50' 00" E, 32.250 feet
N 31° 05' 00" W, 243.210 feet
N 82° 34' 00" E, 169.020 feet
N 39° 19' 00" E, 147.510 feet
N 16° 16' 00" W, 75.850 feet
N 55° 49' 00" W, 110.170 feet
N 03° 01' 00" E, 172.450 feet

N 20° 41' 00" W, 161.350 feet
 N 04° 08' 00" E, 318.030 feet
 N 24° 25' 00" W, 117.040 feet
 N 31° 42' 00" E, 83.160 feet
 N 66° 03' 00" E, 88.570 feet
 N 78° 39' 00" E, 169.370 feet
 N 45° 25' 00" E, 155.500 feet
 N 09° 10' 00" W, 77.590 feet
 N 51° 46' 00" W, 117.320 feet
 N 72° 32' 00" W, 127.340 feet
 N 08° 01' 00" W, 66.660 feet
 N 29° 23' 00" E, 187.930 feet
 N 69° 51' 00" E, 267.780 feet
 N 59° 37' 00" E, 251.490 feet
 N 12° 59' 00" E, 92.730 feet
 N 43° 01' 00" W, 120.500 feet
 N 38° 11' 00" E, 150.530 feet
 S 72° 28' 00" E, 121.770 feet
 N 75° 15' 00" E, 105.360 feet
 N 44° 51' 00" E, 203.440 feet
 N 53° 46' 00" E, 102.230 feet
 N 37° 14' 00" E, 314.770 feet
 N 49° 53' 00" E, 134.720 feet
 N 88° 18' 00" E, 97.460 feet
 S 70° 43' 00" E, 199.690 feet
 S 65° 26' 00" E, 173.540 feet
 S 67° 41' 00" E, 242.540 feet
 N 37° 42' 00" E, 107.770 feet
 N 11° 57' 00" W, 99.830 feet
 N 79° 12' 00" E, 75.070 feet
 S 52° 31' 00" E, 144.940 feet
 S 31° 54' 00" E, 128.270 feet
 S 14° 03' 00" E, 369.690 feet
 S 11° 41' 00" E, 89.910 feet
 N 75° 37' 00" E, 191.780 feet
 N 70° 57' 00" E, 199.270 feet
 N 70° 05' 00" E, 201.780 feet
 S 61° 33' 00" E, 69.540 feet
 S 38° 10' 00" W, 138.360 feet
 S 13° 19' 00" E, 210.200 feet
 S 84° 09' 00" E, 66.320 feet
 N 43° 34' 00" E, 178.990 feet
 N 41° 46' 00" E, 261.670 feet
 N 52° 37' 00" E, 249.120 feet

Thence, N 34° 40' 00" E, 112.650 feet to a point opposite an old fence for the northeast corner of the tract herein described.

Thence, S 2° 17' 52" E, with said old fence (at 179.22 feet pass a ½" iron pipe at fence corner, and continuing with said fence, at 1338.77 feet pass to another ½" iron pipe at a fence corner marking the northwest corner of tract described in deed recorded in Volume 6683, Page 254 of the Deed Records of Harris County), in all 1871.10 feet to a 1" iron rod marking the southwest corner of the T. G. Schweinle tract as described in instruments recorded in Volume 2215, Page 228 of the Harris County Deed Records.

Thence, N 89° 36' 41" E, with south line of said Schweinle tract and fence (at 726.28 feet pass a 5/8" iron rod) in all a distance of 1433.87 feet to a 1" iron rod at fence corner for a corner of this tract, same being also the northeast corner of the Gladys Robinson and J. B. Mahaffey Estate tract.

Thence, S 0° 40' 00" W, 1135.17 feet, with a fence and the east line of said Gladys Robinson et al tract to a 1½" iron pipe marking the southeast corner of said Robinson et al tract and a corner of this tract.

Thence, N 89° 17' 51" E, 1377.56 feet, with south line of the Young Estate tract to a 5/8" iron rod in the west right-of-way line of Kuykendahl Road (60 feet wide) to the northeast corner of a tract described in deed recorded in Volume 2602, Page 283 of the Deed Records of Harris County, Texas, same being the most easterly northeast corner of the tract herein described.

Thence, S 7° 47' 45" W, 1169.26 feet, with the west right-of-way line of said Kuykendahl Road to a 5/8" iron rod for the southeast corner of the tract described in the last named deed reference, same being also the most easterly southeast corner of the tract herein described, in the north line of a 13.64-acre tract described in boundary agreement recorded in Volume 2685, Page 168 of the Deed Records of Harris County.

Thence, N 89° 40' 29" W, 2578.77 feet, with the north line of said 13.64-acre tract to a point for corner in an old marked line.

Thence, N 0° 12' 00" W, 451.12 feet, with said old marked line to a point for corner.

Thence, S 89° 53' 29" W, 965.50 feet to a point for corner in the west line of a 90.5-acre tract described in deed recorded in Volume 404, Page 229 of the Deed Records of Harris County.

Thence, S 0° 12' 00" E, with the west line of said 90.5-acre tract (at 451.20 feet pass a 1" axle marking its southwest corner) in all 638.02 feet to a 1" buggy axle marking the northeast corner of a 50-acre tract now or formerly owned by H. M. Metzler.

Thence, S 89° 44' 37" W, 1437.37 feet with the north line of said 50-acre tract along an old fence to an iron rod for corner of tract herein described, in the east line of a 263.5326-acre tract described in deed recorded in Volume 5529, Page 593 of the Deed Records of Harris County, Texas.

Thence, South 3356.42 feet with an old fence to an old 2" iron pipe marking the northeast corner of a 100-acre tract now or formerly owned by R. A. Martens, from which 2" iron pipe a 24" red oak marked "X" bears N 19° 38' W, 17.29 feet.

Thence, S 88° 46' 37" W, 1624.00 feet along a fence and agreed boundary line as described in instrument recorded in Volume 990, Page 502 of the Deed Records of Harris County, Texas, to a 5/8" iron rod marking the northwest corner of the tract described in said boundary agreement, in the east line of a tract described in deed recorded in Volume 3886, Page 491 of the Deed Records of Harris County, and in the center line of a 60 foot right-of-way easement described in Volume 6439, Page 482 of the Deed Records of said County.

Thence, N 0° 31' 45" W, with said east line (at 5005.12 feet pass an old 3/4" iron pipe from which an elm 22" marked "X" bears N 77° W, 61.4 feet) in all 5080.70 feet to the place of beginning.

Containing 583.699 acres of land, more or less.

Save and Except Herefrom the Following Tract of Land:

Being 10.001 acres of land, more or less, out of the George Galbraith Survey, A-22, and a part of a 90.5-acre tract described in deed recorded in Volume 404, Page 229 of the Deed Records of Harris County; said 10.001-acre tract being more particularly described by metes and bounds as follows:

Beginning at a point in the west line of said 90.5-acre tract N 0° 12' 00" W, 902.40 feet, from a 1" axle marking the southwest corner of said 90.5-acre tract, said 1" axle being S 89° 53' 29" W, 965.50 feet from the southwest corner of the William White Survey, A-829.

Thence, N 0° 12' 00" W, 451.20 feet, with the west line of said 90.5-acre tract to a 5/8" iron rod marking the northwest corner of the tract herein described.

Thence, N 89° 53' 29" E, 965.50 feet to a 5/8" iron rod in an old marked line for the northeast corner of the tract herein described.

Thence, S 0° 12' 00" E, 451.20 feet, with an old marked line, to a 1/2" iron pipe marking the southeast corner of the tract herein described.

Thence, S 89° 53' 29" W, 965.50 feet to the place of beginning.

Containing 10.001 acres of land, leaving a net area of 573.698 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Homer H. Jackson, Jr.
John D. Maclay
E. Barger Miller
Tom Early
Bob Stillwagon

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail

to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1736, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1736.

HB 1737 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1737, Creating Kuykendahl Road Public Utility District No. 1 in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1737 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Kuykendahl Road Public Utility District No. 1, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, and being 309.729 acres, more or less, out of the William White Survey, A-829, and the George Galbraith Survey, A-22, and described as follows:

Being 312.915 acres of land (save and except a 60-foot-wide county road hereinafter described by metes and bounds), being a part of a 362.27-acre tract conveyed to Theodore G. Schweinle by Emma Schweinle et al by deed recorded in Volume 2215, Page 228 of the Deed Records of Harris County, Texas; said 312.915-acre tract being more particularly described by metes and bounds as follows:

Commencing at a 1" iron rod at a fence corner, marking the southwest corner of said Schweinle tract.

Thence, N 2° 17' 52" W 532.33 feet with a fence and occupied line to a ½-inch iron pipe marking the place of beginning of the tract herein described.

Thence, N 2° 17' 52" W 1159.55 feet with said fence and occupied line to an iron pipe for corner.

Thence, N 89° 08' 26" E 651.27 feet to a point in the center line of the right-of-way of a graded road (60 feet wide).

Thence, along the center line of the right-of-way of said graded road as follows:

N 14° 45' 26" E 305.64 feet
N 0° 12' 34" W 130.84 feet

Thence, S 88° 57' 55" W 369.84 feet (at 30.0 feet pass an iron pipe) to a point in the center line of Spring Creek.

Thence, with the center line of Spring Creek and its meanders, as follows:

N 10° 15' 11" W 108.000 feet
N 70° 14' 49" E 65.000 feet
S 46° 56' 11" E 110.000 feet
N 49° 07' 49" E 79.000 feet
N 16° 19' 11" W 269.000 feet
N 45° 45' 11" W 155.000 feet
N 20° 15' 11" W 42.000 feet
N 20° 04' 49" E 178.000 feet
N 00° 28' 49" E 275.000 feet
N 22° 54' 49" E 395.000 feet
N 08° 50' 49" E 253.000 feet
N 00° 58' 11" W 632.001 feet
N 76° 59' 49" E 65.000 feet
S 72° 48' 11" E 157.000 feet
N 15° 04' 49" E 85.000 feet
N 40° 04' 11" W 105.000 feet
N 01° 09' 49" E 70.000 feet
N 54° 39' 49" E 90.000 feet
S 56° 34' 11" E 90.000 feet
N 56° 28' 49" E 141.000 feet
S 56° 34' 11" E 95.000 feet
N 48° 25' 49" E 818.000 feet
N 14° 44' 49" E 175.000 feet
N 01° 45' 11" W 109.000 feet
N 08° 45' 11" W 127.000 feet
N 19° 05' 49" E 118.000 feet
N 57° 03' 49" E 156.000 feet
N 70° 00' 49" E 181.000 feet
S 88° 55' 11" E 140.000 feet
S 62° 18' 11" E 337.000 feet
N 63° 40' 49" E 323.000 feet
S 04° 08' 49" W 198.000 feet
S 17° 28' 11" E 119.000 feet
S 64° 46' 11" E 248.000 feet
N 39° 27' 49" E 127.000 feet
N 51° 44' 49" E 90.000 feet
S 86° 51' 11" E 70.000 feet
S 56° 27' 11" E 125.000 feet
S 38° 42' 11" E 125.000 feet
S 17° 53' 11" E 100.000 feet

Thence, N 68° 46' 49" E 240.00 feet to the northeast corner of said Schweinle tract.

Thence, S 0° 03' 34" E 1730.00 feet with the most northerly east line of said Schweinle tract to the northeast corner of a 40-acre tract partitioned to Lois W. Schweinle.

Thence, S 89° 36' 41" W 2247.92 feet with the north line of said 40-acre tract to a point for the northwest corner of said 40-acre tract.

Thence, S 7° 57' 26" W 809.37 feet with the west line of said 40-acre tract to a point for the southwest corner of said 40-acre tract.

Thence, N 89° 36' 41" E 2099.48 feet with the south line of said 40-acre tract to a point in the most southerly east line of said T. G. Schweinle tract on the west right-of-way line of Kuykendahl Road (60 feet wide).

Thence, S 7° 57' 26" W 982.75 feet with said west right-of-way line to a point for the northeast corner of a 1.5-acre tract partitioned to Lois W. Schweinle.

Thence, N 82° 02' 34" W 186.69 feet with the north line of said 1.5-acre tract to its northwest corner.

Thence, S 7° 57' 26" W 350.00 feet to a point for the southwest corner of said 1.5-acre tract.

Thence, S 82° 02' 34" E 186.69 feet to a point in the west right-of-way line of Kuykendahl Road for the southeast corner of said 1.5-acre tract.

Thence, S 7° 57' 26" W 1258.52 feet with said west right-of-way line to a 5/8" iron rod marking the northeast corner of the J. D. Holloway tract.

Thence, N 89° 58' 52" W 327.66 feet with the north line of said Holloway tract to a 1/2" iron bolt marking the northwest corner of said Holloway tract.

Thence, S 7° 06' 58" W 141.78 feet to a 1/2" iron pipe.

Thence, S 1° 06' 58" E 36.34 feet to a 1" galvanized iron pipe in a fence, marking the south line of the said T. G. Schweinle tract.

Thence, S 89° 36' 41" W 1948.96 feet with said south line to a 5/8" iron rod marking the most southerly southwest corner of the tract herein described.

Thence, N 0° 24' 23" W 790.22 feet to a 1/2" iron pipe for corner.

Thence, S 89° 26' 06" W 290.41 feet to the center line of the right-of-way of a 60-foot graded road.

Thence, with the center line of the right-of-way of said graded road as follows:

S 7° 34' 36" W 85.41 feet

S 7° 16' 34" E 174.85 feet

Thence, S 89° 43' 13" W 462.50 feet to the place of beginning.

Containing 312.915 acres of land, more or less.

Save and Except Therefrom the following described tract of land:

Being 3.186 acres, more or less, out of the William White Survey, A-829, being a strip of land 60 feet wide for a county road right-of-way, and being a part of the Theodore G. Schweinle 362.27-acre tract described in deed recorded in Volume 2215, Page 228 of the Deed Records of Harris County, and being more particularly described by metes and bounds as follows:

Commencing at a 1" iron rod at a fence corner marking the southwest corner of said Schweinle 362.27-acre tract.

Thence, N 89° 36' 41" E 726.28 feet to a 5/8" iron rod.

Thence, N 0° 24' 23" W 217.29 feet to a 5/8" iron rod on the south side of said county road right-of-way for the southwest corner and beginning point of said 60-foot-wide strip.

Thence, N 0° 24' 23" W 60.00 feet to another 5/8" iron rod marking the northwest corner of said 60-foot strip.

Thence, with the north line of said 60-foot strip and county road right-of-way as follows:

S 89° 07' 34" E 518.08 feet

N 88° 43' 26" E 419.00 feet

N 86° 17' 26" E 800.39 feet

N 88° 17' 26" E 251.21 feet

S 89° 28' 34" E 328.93 feet to a 1" iron pipe on the west right-of-way line of Kuykendahl Road, marking the northeast corner of said 60-foot strip.

Thence, S 7° 57' 26" W 60.50 feet with the west right-of-way line of Kuykendahl Road to another 1" iron pipe marking the southeast corner of said 60-foot strip.

Thence, with the south line of said 60-foot strip and county road right-of-way, as follows:

N 89° 28' 34" W 319.95 feet

S 88° 17' 26" W 248.99 feet

S 86° 17' 26" W 800.61 feet

S 88° 43' 26" W 421.40 feet

N 89° 07' 34" W 517.86 feet to the place of beginning.

Containing 3.186 acres of land.

Leaving a net area in the tract herein described of 309.729 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act

are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Jim McAlister
Mike Naess
Gardner Heidrick
Dr. Henry Wilde
Gibbs Macdaniel, Jr.

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1737, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1737.

HB 1751 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1751, Creating Woodforest North Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1751 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Woodforest North Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Tract One

368.32 acres of land in the J. W. Moody 1/3 League, Abstract No. 546, the Talcott Patching Survey, Abstract No. 619, and the John Anderson Survey, Abstract No. 97, Harris County, Texas, more particularly described as follows:

Beginning at the intersection of the south line of said Patching Survey with the east line of Uvalde Road;

Thence N 0° 41' W 1449.66 feet along the east line of Uvalde Road to a small angle in said line;

Thence N 0° 34' 30" W 22.86 feet along the east line of Uvalde Road;

Thence S 89° 00' 30" W, crossing Uvalde Road and continuing 1350.89 feet along the south line of Lot 35 in said Moody 1/3 League to the southwest corner of said Lot 35;

Thence N 0° 32' 49" W 2543.57 feet along the west line of Lots 35 and 36 in said Moody 1/3 League to the northwest corner of said Lot 36;

Thence N 89° 00' 30" E 1249.6 feet along the north line of said Lot 36 to the west line of Uvalde Road;

Thence S 0° 34' 30" E 600.56 feet along the west line of Uvalde Road;

Thence N 89° 16' E 3012.4 feet to a fence;

Thence S 0° 11' 21" E 2038.01 feet along a fence to an angle in said fence;

Thence S 0° 24' E 1379.2 feet along a fence to the south line of said Patching Survey and the north line of said Anderson Survey;

Thence N 89° 14' 06" E 21.2 feet along the line between said Patching and Anderson Surveys to the west line of the City of Houston Fresh Water Canal;

Thence S 18° 10' 27" W 1889.35 feet along the west line of said canal to the south line of said Anderson Survey;

Thence S 88° 51' W 1226.34 feet along the south line of said Anderson Survey to a fence corner;

Thence N 1° 13' 30" W 1799.18 feet along a fence to a fence corner in the south line of said Patching Survey and the north line of said Anderson Survey;

Thence S 89° 13' 34" W 1058.9 feet along the line between said Anderson and Patching Surveys to the Place of Beginning.

Tract Two

78.499 acres of land in the John Anderson Survey, Abstract No. 97, Harris County, Texas, more particularly described as follows:

Beginning at the southeast corner of said Anderson Survey in the west line of the Spyar Singleton Survey;

Thence S 88° 51' W 2250.17 feet along the south line of said Anderson Survey to the east line of the City of Houston Fresh Water Canal;

Thence N 18° 10' 27" E 1888.37 feet along the east line of said canal to the north of said Anderson Survey;

Thence N 89° 14' 06" E 1456.35 feet along the north line of said Anderson Survey to the west line of East Belt Drive;

Thence in a southeasterly direction along the west line of East Belt Drive following a curve to the right having a radius of 11,309.16 feet for a distance of 392.06 feet to the east line of said Anderson Survey;

Thence S 0° 56' 50" E 1420.89 feet along the east line of said Anderson Survey to the Place of Beginning.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Robert M. Ley
Stephen W. Ley
Wendel D. Ley
Judy A. Ley
Julia C. Read

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or un-

constitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1751, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1751.

HB 1758 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1758, Creating the Spring Creek Utility District in Montgomery County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1758 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Montgomery County, Texas, to be known as Spring Creek Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Being 280.408 acres of land in the Montgomery County School Land Survey No. 2, A-351, and 11.661 acres of land in the R.O.W. McManus Survey, A-346, Montgomery County, Texas, and being same land called 291.68 acres in deed to Emmitt Brunson et al dated 12-18-64 and recorded in Vol. 591, Pg. 299, of County Deed Records, said 292.069 acres Total being described more particularly as follows:

Beginning at a 1" iron pipe found for corner in the south right-of-way line of Rayford Road (50 foot R/W) from whence a 20" Pine mkd x brs. S. 4°15'E., 51.3 feet and a 12" Sw. Gum mkd x brs S. 31°30'E., 71 feet, said iron pipe being N.E. corner of a 20 acre tract described in deed to the Veterans Land Board dated 11-18-61 and recorded in Vol. 512, Pg. 195, M.C.D.R.;

Thence S. 00°38'35" E., 719.01 feet along east line of said 20 acres to a 1" iron pipe found set for S.E. Corner of 20 acre tract from whence an 18" Post Oak mkd x brs. S.45°15'W., 4.0 feet and a 10" Elm mkd x brs. S. 27° E., 18.0 feet;

Thence S. 88°44'41" W., with south line of said 20 acres and south line of another 20 acre tract and south line of H. L. Janac tract a distance of 3728.89 feet to a 1" iron pipe found set for corner from whence an 18" Red Oak mkd x brs N. 55° W., 23.1 feet;

Thence N. 02°18'38" W., 907.83 feet with west line of H. L. Janac tract to an 1" iron pipe found set for corner in south line of Spring Forest Subdivision from whence a 30" Pin Oak mkd x brs S. 62°W., 36.5 feet;

Thence S. 87°35'41" W., 1023.33 feet with the south line of said Spring Forest Subdivision to an iron rod for inside corner of same, this being N.W. Corner of herein described tract from whence a 14" Sw. Gum mkd x brs S. 26°W., 27.6 feet;

Thence S. 00°40'59" E., with lower east line of Spring Forest Subdivision Section One a distance of 1455.90 feet to a 1" iron pipe found set for corner in southwest line of Montg. County School Land Survey and northeast line of R.O.W. McManus Survey, said iron pipe being S.E. Corner of a 173 acre tract described in deed recorded in Vol. 520, Pg. 388, M.C.D.R., and being in northeast line of Chas. A. Bahr, Sr. 440.83 acre tract recorded in Vol. 120, Pg. 27, M.C.D.R.;

Thence S. 62°45'52" E., 1208.08 feet along southwest line of Montg. County School Land Survey and northeast line of McManus Survey to an iron rod found set for corner from whence a 24" Red Oak mkd x brs S. 18°10'E., 44.4 feet, and a 24" Red Oak mkd x brs N. 29°15'W., 74 feet, said iron rod being N.E. Corner of Bahr 440.83 acres also N.W. Corner of

a 13.1 acre tract in Judgment dated 4-10-1914 and recorded in Vol. O, Pg. 392, M.C.D.R.;

Thence S. $03^{\circ}04'54''$ E., 393.92 feet along west line of said 13.1 acres same being east line of Bahr 440.83 acre tract to a 1" iron pipe found set for S.W. Corner of 13.1 acre tract from whence a 14" Post Oak mkd x brs N. $15^{\circ}50'W.$, 24.7 feet and a 16" Pine mkd x brs South 12.2 feet;

Thence S. $62^{\circ}28'49''$ E., 1411.22 feet with the south line of 13.1 acres to a 6" round concrete monument found set for S.E. Corner of said 13.1 acre tract from whence a 22" Red Oak mkd x brs S. $47^{\circ}W.$, 22.0 feet and a 12" Sw. Gum mkd x brs S. 12° E., 9.5 feet;

Thence N. $02^{\circ}19'40''$ W., 437.23 feet with east line of 13.1 acre tract to a 1" iron pipe found set in concrete for N.E. Corner of said 13.1 acres in the northeast line of R.O.W. McManus Survey and southwest line of Montg. County School Land Survey from whence a 20" Post Oak mkd x brs S. $45^{\circ}W.$, 10.3 feet, same being N.W. Corner of Geo. W. Fraser 19.4 acre tract recorded in Vol. 204, Page 151, M.C.D.R.;

Thence S. $63^{\circ}53'03''$ E., 2751.62 feet with northeast line of Fraser tract and southwest line of Montg. County School Land Survey to a 1" iron pipe found for corner in northwest line of Riley-Fussell Road (50 foot R.O.W.) from whence a 10" Sw. Gum mkd x brs N. $80^{\circ}W.$, 6.0 feet;

Thence N. $35^{\circ}27'$ E., 1561.91 feet with northwest line of said Riley-Fussell Road to a 1" iron pipe found set for the P.C. of a curve to the right;

Thence along said curve to the right, having a radius of 370.36 feet, a central angle of $32^{\circ}28'$, a tangent of 107.83 feet for a distance of 209.86' to a 1" iron pipe found set for P.T. of said curve;

Thence N. $67^{\circ}55'$ E., 563.5 feet continuing with said right-of-way line to a 1" iron pipe for P.C. of a curve to the left;

Thence along said curve to the left, having a radius of 30.22 feet, a central angle of $110^{\circ}46'$, a tangent of 43.78 feet for a distance of 58.42 feet to a 1" iron pipe for P.T. of said curve in the southwest line of Rayford Road (50 foot R.O.W.);

Thence N. $42^{\circ}53'57''$ W., 1129.6 feet with southwest line of said Rayford Road to a 1" iron pipe found for P.C. of a curve to right;

Thence along said curve to the right, having a radius of 1839.65 feet, a central angle of $06^{\circ}18'34''$, a tangent of 101.39 feet for a distance of 202.58 feet to a 1" iron pipe found set for P.T. of said curve;

Thence N. $36^{\circ}35'23''$ W., 651.08 feet continuing with said line of Rayford Road to a 1" iron pipe found set for P.C. of a curve to the right;

Thence along said curve to the right, having a radius of 1123.16 feet, a central angle of $08^{\circ}20'16''$, a tangent of 81.87 feet for a distance of 163.44 feet to a 1" iron pipe found set for P.T. of said curve;

Thence N. $28^{\circ}15'07''$ W., 457.31 feet continuing along said line of Rayford Road to a 1" iron pipe found set for P.C. of a curve to the left;

Thence along said curve to the left, having a radius of 174.58 feet, a central angle of 24°53'54", a tangent of 38.54 feet for a distance of 75.87 feet to the point of Beginning and containing 292.069 acres of land.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the district:

Horace H. Norman
James S. Norman, Jr.
W. E. Martin
James Bricker
Norman Eaton

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity

requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1758, as amended, was passed to engrossment.

HB 1764 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1764, Creating Jetero Public Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1764 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Jetero Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas and being 76.0756 acres, more or less; being 68.0228 acres, more or less in the C. C. Shelby Survey, A-

693, and 8.0528 acres, more or less, in the W. B. Adams Survey, A-95; and more particularly described by metes and bounds as follows:

Beginning at the point of intersection of the survey line dividing the said Shelby and Adams Surveys with the westerly right-of-way line of U. S. Highway 59, said point being identified by a 3/4" iron pipe.

Thence, S 28° 13' W 33.57 feet along said westerly right-of-way line of U. S. Highway 59 to a 3/4" iron pipe and the P. C. of a curve to the right.

Thence, along said westerly right-of-way line of U. S. Highway 59 and also intersecting the north right-of-way line of Jetero Blvd., same being on a curve to the right having a radius of 483.26 feet and a central angle of 80° 00', a distance of 674.76 feet to the P. T. of said curve identified with a 3/4" iron pipe.

Thence, N 71° 47' W 8.35 feet along said north right-of-way line of Jetero Blvd. to a 3/4" iron pipe and the P. C. of a curve to the left.

Thence, along said north right-of-way line of Jetero Blvd. along a curve to the left having a radius of 600.00 feet and a central angle of 17° 55' a distance of 187.62 feet to the P. T. of said curve identified with a 3/4" iron pipe.

Thence, N 89° 42' W 1142.43 feet along said north right-of-way line of Jetero Blvd. to a 3/4" iron pipe marking the southwest corner of the tract described herein.

Thence, N 9° 59' 30" E 1655.55 feet to a 1" iron pipe for corner.

Thence, N 88° 10' 20" E 1646.80 feet to a 3/4" iron pipe for corner.

Thence, S 0° 12' 30" W 36.30 feet to a point for corner.

Thence, S 69° 29' 30" E 510.83 feet to a point for corner in the westerly right-of-way line of U. S. Highway 59.

Thence, S 20° 30' 30" W 1146.21 feet along said westerly right-of-way line of U. S. Highway 59 to a concrete monument for angle point.

Thence, S 25° 31' 10" W 191.28 feet along said westerly right-of-way line of U. S. Highway 59 to a 3/4" iron pipe and the place of beginning.

Containing 76.0756 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

James Kite
Charles Shelton
Allen Russell
Dwain Evans
Frank Billings

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1764, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1764.

HB 1768 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1768, Creating the Louetta North Public Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1768 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Louetta North Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, and being 206.365 acres, more or less, out of the E. Ballard Survey, A-158, and the Nathan Finney Survey, A-261, and more particularly described as follows:

Beginning at the intersection of the north right-of-way line of Louetta Road (60 feet wide) with the northeasterly line of said E. Ballard Survey, and the southwesterly line of said Nathan Finney Survey.

Thence, N 83° 42' 12" W, 1734.18 feet along said north right-of-way line of Louetta Road to a point on the northeasterly line of a Houston Lighting and Power Company power line easement (80 feet wide).

Thence, N 50° 18' 15" W, 141.74 feet along said power line easement to a point for corner.

Thence, N 25° 44' 41" W, 802.18 feet along said power line easement to a point for corner.

Thence, S 89° 46' 52" E, 1558.40 feet to a point for corner on the northeasterly line of said E. Ballard Survey, and the southwesterly line of said Nathan Finney Survey.

Thence, N 32° 04' 12" W, 1249.02 feet along said common survey line to a point for corner.

Thence, N 57° 56' 26" E, 2673.66 feet to a point for corner.

Thence, S 32° 01' 52" E, 1792.26 feet to a point for corner.

Thence, N 58° 32' 35" E, 54.33 feet to a point for corner.

Thence, S 31° 45' 37" E, 1286.19 feet to a point on the northwesterly right-of-way line of said Louetta Road.

Thence, S 58° 26' 35" W, 1081.54 feet along said northwesterly right-of-way line of Louetta Road to a point for corner.

Thence, N 31° 53' 38" W, 456.27 feet to a point for corner.

Thence, S 57° 28' 43" W, 1612.78 feet to a point for corner in the northeasterly right-of-way line of said Louetta Road.

Thence, N 31° 38' 19" W, 177.59 feet along said northeasterly right-of-way line of Louetta Road to a point for corner.

Thence, N 83° 42' 12" W, 38.40 feet along the north right-of-way line of said Louetta Road to the place of beginning.

Containing 206.365 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

James E. Babcock
Robert P. Cochran
Robert T. Parker
Boyce V. Jones
R. M. Pearson

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1768, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1768.

HB 1769 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1769, Creating Cy-Champ Public Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1769 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Cy-Champ Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, and being 195.53 acres, more or less, out of the Benjamin Page Survey, A-618, and more particularly described by metes and bounds as follows:

Commencing for reference at the point of intersection of the center line of the right of way for Bammel Road (Jack Rabbit Road—FM 1960), 100 feet wide, with the center line of the right of way for Cutten Road, 60 feet wide, which point is also the south corner of the Benjamin Page Survey, A-618.

Thence, N 58° 00' E 1116.37 feet following the center line of the right of way of Bammel Road, to a point.

Thence, N 32° 00' W 50.00 feet to the point of beginning of the tract herein described, said point being in the northerly right-of-way line of Bammel Road and also being the south corner of a 56.2053-acre tract now owned or formerly owned by R. T. Marshall, Trustee.

Thence, N 32° 15' 24" W 3369.72 feet along the southwesterly line of said 56.2053-acre tract to a point for corner.

Thence, S 57° 51' 30" W 91.00 feet to a point for corner.

Thence, S 57° 48' 30" W 117.20 feet to a point for corner.

Thence, N 32° 21' 30" W 252.55 feet to a point for corner.

Thence, S 57° 38' 25" W 421.33 feet to a point for corner.

Thence, N 32° 21' 30" W 290.20 feet to a point for corner, said point lying in the southerly right-of-way line of Richardson Road, 60 feet wide.

Thence, N 57° 38' 25" E 471.29 feet along said southerly right-of-way line of Richardson Road to a point for corner.

Thence, N 32° 09' 15" W 1934.10 feet along the southwesterly line of a 19.9210-acre tract now owned or formerly owned by Theo Terpstra, to a point for corner.

Thence, N 32° 48' 33" W 1044.32 feet along the southwesterly line of a 75.0135-acre tract that is part of the 113.40-acre tract described in instrument of record in Volume 2139, page 39, of the Harris County Deed Records, to a point for corner.

Thence, N 31° 51' 11" W 826.59 feet along the southwesterly line of said 75.0135-acre tract to a point for corner, in the center line of Cypress Creek.

Thence, Northeasterly following the meanders of the center line of Cypress Creek, as follows:

N 47° 55' E 600.00 feet
N 80° 18' E 400.00 feet
N 49° 00' E 248.08 feet
N 32° 00' E 211.47 feet to a point for corner.

Thence, S 32° 17' 36" E 568.00 feet to a point for corner.

Thence, S 66° 29' 16" E 60.00 feet to a point for corner, said point being a point of curve to the left.

Thence, following said curve to the left whose radius is 670.00 feet, a distance of 107.78 feet to a point of reverse curve to the right.

Thence, following said curve to the right whose radius is 270.00 feet, a distance of 195.15 feet to a point of tangency.

Thence, N 57° 42' 24" E 83.90 feet to a point of curve to the right.

Thence, following said curve to the right whose radius is 270.00 feet, a distance of 195.15 feet to a point of reverse curve to the left.

Thence following said curve to the left whose radius is 330.00 feet, a distance of 238.52 feet to a point for a corner, said point being in the westerly right-of-way line of Champions Drive, 100 feet wide.

Thence, S 32° 17' 36" E 923.00 feet along said westerly right-of-way line of Champions Drive to a point for corner.

Thence, S 57° 54' 25" W 1089.00 feet along a southeasterly line of said 75.0135-acre tract to a point for corner.

Thence, S 32° 17' 36" E 400.00 feet to a point for corner in the northwesterly line of a 16.8699-acre tract out of the aforesaid 113.40-acre tract.

Thence, N 57° 54' 25" E 1089.07 feet to a point for corner in the westerly right-of-way line of Champions Drive, 100 feet wide.

Thence, following said westerly right-of-way line in a southeasterly direction along a curve whose radius is 2050.00 feet, a distance of 201.66 feet to a point of tangency.

Thence, S 39° 5' 44" E 99.23 feet to a point of curve to the right.

Thence, following said curve to the right whose radius is 1963.64 feet, a distance of 233.13 feet to a point of tangency.

Thence, S 32° 17' 36" E 59.40 feet to a point for corner, said point being the most easterly corner of the said 16.8699-acre tract.

Thence, S 57° 39' 37" W 1255.12 feet to a point for corner, said point being the most southerly corner of the said 16.8699-acre tract.

Thence, S 32° 03' 35" E 571.10 feet to a point for corner.

Thence, S 57° 56' 25" W 208.00 feet to a point for corner.

Thence, S 32° 03' 35" E 418.82 feet to a point for corner.

Thence, N 57° 56' 25" E 208.00 feet to a point for corner.

Thence, S 32° 03' 35" E 285.40 feet to a point for corner, said point being in the northerly right-of-way line of Richardson Road, 60 feet wide.

Thence, N 57° 34' E 517.48 feet to a point for corner, said point also marking the most northerly corner of said 56.2053-acre tract.

Thence, S 32° 05' E 602.48 feet to a point for a corner, said point also marking a corner of said 56.2053-acre tract.

Thence, S 57° 45' W 804.15 feet to a point for corner, said point also marking a corner of said 56.2053-acre tract.

Thence, S 32° 15' 24" E 3370.98 feet to a point for corner, said point marking a corner of said 56.2053-acre tract and also lying in the northerly right-of-way line of Bammel Road.

Thence, S 58° 00' W 508.88 feet along the northerly right-of-way line of Bammel Road to the place of beginning.

Containing 195.53 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Philip L. Kyle
Jack D. Gray
John B. Wren
Gail L. Smith
Theran Ebner

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional rule that bills be read on three several days in each House be suspended; and said rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1769, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Nichols, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1769.

HB 1823 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1823, Creating Montgomery County Municipal Utility District No. 5.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1823 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Montgomery County, Texas, to be known as Montgomery County Municipal Utility District No. 5, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Montgomery County and being 980.367 acres of land, more or less situated in the Howard DeCrow Survey, Abstract No. 165, and the R. O. W. McManus Survey, Abstract No. 346, Montgomery County, said 980.367 acre tract being more particularly described as follows:

Beginning at the point of intersection of the Southeast right-of-way line of Riley Fussel Road (sometimes called New Caney Road) with the center line of Spring Creek and the Harris-Montgomery Counties' line;

Thence North 27° 01' East along said Southeast right-of-way line of Riley Fussel Road a distance of 1144.7 feet to a point;

Thence continuing along said Southeast right-of-way line of Riley Fussel Road North 40° 59' East 5386.1 feet, more or less, to the intersection of said Southeast right-of-way line of Riley Fussel Road with the Northeast line of the R.O.W. McManus Survey, Abstract 346;

Thence South 61° 43' East along said Northeast right-of-way line of said McManus Survey a distance of 3307.7 feet, more or less, to a point marking the most easterly corner of said R.O.W. McManus Survey, same being the most northerly corner of the Howard DeCrow Survey, Abstract 165;

Thence South 31° 33' East along the Northeast line of said Howard DeCrow Survey a distance of 2740.2' to a point for corner;

Thence, S 45° 52' 00" W, a distance of 105.00 feet to a point for corner;

Thence, S 14° 07' 00" E, a distance of 409.30 feet to a point for corner;

Thence, S 27° 39' 00" E, a distance of 208.50 feet to a point for corner;

Thence, S 64° 35' 00" E, a distance of 135.90 feet to a point for corner;

Thence, N 82° 23' 00" E, a distance of 32.60 feet to a point for corner on the Northeast line of said Howard DeCrow Survey;

Thence, S 31° 05' 00" E, a distance of 1024.50 feet to a point for corner, marking the most northerly corner of a 20-acre tract formerly owned by Max Rothenberg;

Thence South 57° 20' West along the Northwest line of said 20-acre Max Rothenberg tract and continuing along the Northwest line of a 20-acre tract formerly owned by Bertha Triffon, Ruth N. Clark, J. J. Holland and L. M. Holland, a total distance of 2567.2 feet to the intersection with the center line of Spring Creek;

Thence, following the center line meanders of Spring Creek as follows:

N 37° 22' 00" W, 118.10 feet;

S 46° 53' 00" W, 234.80 feet;

N 82° 08' 00" W, 100.20 feet;

N 35° 26' 00" W, 164.00 feet;

N 69° 20' 00" W, 111.30 feet;

S 33° 25' 00" W, 208.10 feet;

S 46° 47' 00" W, 86.10 feet;

N 88° 52' 00" E, 65.00 feet;

S 65° 27' 00" E, 74.00 feet;

S 33° 16' 00" E, 100.10 feet;

S 39° 26' 00" W, 126.90 feet;

S 77° 09' 00" W, 156.20 feet;

S 28° 29' 00" W, 127.10 feet to the intersection of the center line of Spring Creek with the Northwest line of a 6.1-acre tract of land owned by Ella V. Boering, said point of intersection marking the most northerly corner of said Boering 6.1-acre tract;

Thence leaving the center line of Spring Creek South 57° 7' West 996.6 feet, more or less, to the center line of Spring Creek;

Thence, following the center line meanders of Spring Creek as follows:

S 79° 46' 00" W, 261.70 feet;
S 74° 50' 00" W, 135.10 feet;
N 80° 24' 00" W, 217.10 feet;
S 68° 38' 00" W, 207.60 feet;
S 53° 43' 00" W, 257.70 feet;
S 08° 27' 00" W, 269.20 feet;
S 26° 25' 00" E, 105.20 feet;
S 36° 16' 00" W, 23.90 feet;
S 57° 07' 00" W, 203.10 feet;
N 74° 55' 00" W, 209.80 feet;
N 60° 54' 00" W, 176.40 feet;
N 15° 35' 00" W, 202.50 feet;
N 38° 26' 00" W, 175.30 feet;
N 88° 51' 00" W, 86.50 feet;

Thence, N 41° 45' 00" E, leaving the center line meanders of Spring Creek a distance of 905.80 feet to a point for corner;

Thence, N 48° 15' 00" W, a distance of 844.60 feet to a point for the Northwest corner of a 20 acre tract conveyed to Peckinpaugh et al, recorded by instrument in Volume 479, Page 509 of the Montgomery County Deed Records;

Thence, S 41° 45' 00" W, a distance of 1037.80 feet to a point;

Thence, S 61° 20' 00" E, a distance of 5.20 feet to a point on the Bank of Spring Creek;

Thence, S 48° 21' 00" E, a distance of 73.10 feet to a point on the center line of Spring Creek;

Thence, in a generally northwesterly direction, following the center line meanders of Spring Creek as follows:

S 49° 39' 00" W, 146.20 feet;
N 61° 41' 00" W, 167.80 feet;
N 35° 19' 00" W, 226.70 feet;
N 28° 27' 00" W, 145.00 feet;
N 31° 57' 00" W, 247.90 feet;
N 47° 06' 00" W, 218.50 feet;
N 38° 02' 00" W, 167.30 feet;
N 10° 59' 00" W, 333.30 feet;
N 13° 32' 00" W, 428.10 feet;
N 32° 32' 00" W, 319.20 feet;
N 16° 59' 00" W, 354.50 feet;
N 32° 05' 00" W, 61.40 feet;
N 60° 23' 00" W, 99.90 feet;
S 54° 16' 00" W, 232.10 feet;
N 46° 21' 00" W, 264.70 feet;
N 68° 54' 00" W, 209.50 feet;
N 17° 34' 00" W, 159.40 feet;
N 30° 36' 00" W, 131.10 feet;
S 85° 49' 00" W, 218.30 feet;
S 70° 36' 00" W, 181.30 feet;

S 83° 29' 00" W, 134.50 feet;
N 75° 21' 25" W, 175.77 feet;
N 56° 01' 00" W, 169.40 feet to the Point of Beginning, and containing 980.367 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Ford Hubbard, Jr.
James Thomas McCullough
Robert William McCullough
Patricia Peckinpaugh Hubbard
Marie Peckinpaugh McCullough

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity

requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1823, as amended, was passed to engrossment.

HB 1824 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1824, Creating Montgomery County Municipal Utility District No. 6.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1824 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Montgomery County, Texas, to be known as Montgomery County Municipal Utility District No. 6, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

A tract of land situated in the State of Texas, County of Montgomery, and being a part of the John Taylor Survey, A-547, based on the Texas Plane Coordinate System, Lambert Projection, South Central Zone, and being more particularly described as follows:

Beginning at a point in the common survey boundary, the west boundary of the Walker County School Land Survey, A-599, and the east boundary of the John Taylor Survey, A-547, a point having a Texas State grid coordinate based on the South Central Zone of $X=3,116,525.54$; $Y=865,000.00$ and referenced from a common survey corner, being the most westerly southwest corner of the Montgomery County School Land Survey, A-350, and the northwest corner of said Walker County School Land Survey, A-599, and located in the east boundary of said John Taylor Survey, A-547, at $S\ 02^\circ\ 24'\ 36''\ E$, 2,082.32 feet.

Thence $S\ 02^\circ\ 24'\ 36''\ E$, 2,294.83 feet with the common survey boundary, the west boundary of said Walker County School Land Survey, A-599, and the east boundary of said John Taylor Survey, A-547. At 1,651.18 feet pass a point for reference (reference point to be used as point of reference for the exclusion of Lot 24 of the McDonald Subdivision East) and continue 643.65 feet to a 1" iron pipe for angle point, point being the northeast corner of Lot 27 of said McDonald Subdivision East, located in said common survey boundary.

Thence $S\ 87^\circ\ 35'\ 42''\ W$, 679.25 feet (start severance of said John Taylor Survey, A-547) along the north boundary of said Lot 27 of the McDonald Subdivision East to a 1" square steel rod for the northwest corner of said Lot 27.

Thence $S\ 02^\circ\ 47'\ 36''\ E$, 644.10 feet with the west boundary of said Lot 27 to a 3/4" iron pipe for common corner, the northeast corner of said Lot 29, the northwest corner of Lot 30 and the southwest corner of said Lot 27 of said McDonald Subdivision East.

Thence $S\ 88^\circ\ 12'\ 16''\ W$, 336.66 feet with the west boundary of said Lot 29 to a point for corner midway in the north boundary of Lot 29.

Thence $S\ 03^\circ\ 33'\ 32''\ E$, 1,026.80 feet to a point for corner, being the most southerly southeast corner of the tract herein being described.

Thence due west 4,202.04 feet to a point for southwest corner of the tract herein being described.

Thence $N\ 26^\circ\ 03'\ 20''\ W$, 4,452.52 feet, continue severance of said John Taylor Survey, A-547, to a point in the common survey boundary, the east boundary of the G. W. & J. A. Wagers Survey, A-765, and the west boundary of said John Taylor Survey, A-547, and located on the north coordinate of the Texas Grid System, South Central Zone, of 865,000.

Thence due east 5,630.62 feet with the South Central Texas Grid Coordinate on the Lambert Projection of $Y=865,000$ feet. At 4,923.12 feet pass a reference point (reference point to be used as point of reference for the exclusion of Lot 53 of the McDonald Subdivision East) and continue 707.50 feet to a point in the west boundary of the west one-half of Lot 20 of said McDonald Subdivision East.

Thence S 02° 15' 46" E, 418.76 feet with the west boundary of said Lot 20 to a ½" iron pin for the southwest corner of said Lot 20.

Thence N 87° 45' 01" E, 338.13 feet with the south line of the west one-half of said Lot 20 to a 5/8" steel reinforcing rod for corner.

Thence N 02° 16' 09" W, 405.48 feet with the mid-division line of Lot 20 to a point on the said South Central Texas Grid Coordinate on the Lambert Projection of Y=865,000 feet.

Thence east 1,012.32 feet with the said Y=865,000 foot grid to the point of beginning containing 521.796 acres of land (gross acreage).

Save and except said Lot 24 and Lot 53.

Lot 24 is located in the second tier of lots west from the east boundary of said John Taylor Survey, A-547, and is hereby referenced from the northeast corner of the tract described above in two calls: S 02° 24' 36" E, 1,651.18 and S 87° 35' 24" W, 677.91 feet to a 1" iron pipe for the southeast corner of said Lot 24.

Thence S 87° 43' 57" W, 689.06 feet to a point for the southwest corner of said Lot 24.

Thence N 01° 36' 58" W, 643.40 feet with the west boundary of said Lot 24 to its northwest corner.

Thence N 87° 42' 25" E, 681.91 feet with the north boundary of said Lot 24 to its northeast corner.

Thence S 02° 15' 10" E, 643.67 feet to the point of beginning, Lot 24, containing 10.127 acres of land.

Lot 53 is located in the fourth tier of lots from the east boundary of said John Taylor Survey, A-547, and is referenced in two calls from the northeast corner of the above described tract: Due west 2,058.18 feet and due south 579.32 feet to a ½" iron rod for the northeast corner of said Lot 53, the tract herein being described.

Thence S 02° 24' 11" E, 635.59 feet to a ½" iron pipe for the southeast corner of the tract herein being described.

Thence S 87° 35' 17" W, 714.70 feet with the south boundary of said Lot 53, the tract herein being described, to a point for the southwest corner.

Thence N 03° 11' 17" W, 635.87 feet with the west boundary of said Lot 53, the tract herein being described to the northwest corner.

Thence N 87° 36' 20" E, 723.42 feet with the north boundary of said Lot 53, the tract herein being described, containing 10.494 acres of land, aggregating a net acreage of 501.175 acres out of a total enclosed area of 521.796 acres of land.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions con-

ferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Charles W. Magan
David Bumgardner
H. A. Bornefeld, Jr.
Robert J. Hartsfield
Robert A. Gardner, Jr.

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1824, as amended, was passed to engrossment.

HB 1825 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1825, Creating Montgomery County Municipal Utility District No. 7.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1825 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Montgomery County, Texas, to be known as Montgomery County Municipal Utility District No. 7, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Commencing at the Southeast corner of G. W. & J. A. Wagers Survey A-765 thence S 02° 11' 29" E a distance of 82.00 feet to a point for Beginning having coordinates Y=858,147.59, X=3,109,806.47 based on Texas Plane Coordinate System, Lambert Projection South Central Zone;

Thence N 02° 11' 29" W a distance of 82.00 feet to a point for a corner said point being the point of Commencement of the herein described tract;

Thence N 33° 40' 13" W a distance of 820.79 feet to a point for a corner;

Thence S 87° 48' 31" W a distance of 2,959.77 feet to a point for a corner;
Thence N 02° 11' 29" W a distance of 2,619.27 feet to a point for a corner;
Thence S 75° 57' 49" E a distance of 1718.54 feet to a point for a corner;
Thence S 33° 40' 13" E a distance of 1626.62 feet to a point for a corner;
Thence N 87° 30' 49" E a distance of 2,663.60 feet to a point for a corner;
Thence S 03° 25' 17" E a distance of 1,523.37 feet to a point for a corner;
Thence S 87° 12' 05" W a distance of 1,327.87 feet to a point for an angle;
Thence S 86° 33' 58" W a distance of 479.67 feet to the point of Beginning
and containing 200.00 acres more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

David B. Hendricks
Joyce D. Gay
Paul W. Womack
Sandra L. Snell
Jack J. Yovanovich

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1825, as amended, was passed to engrossment.

HB 1833 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1833, Creating Tamina Utility District in Montgomery County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1833 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Montgomery County, Texas, to be known as Tamina Utility District hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited

by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

A 248.1623 acre tract of land being a part of and out of two abstracts, the James Stephens Survey, Abstract No. A-536 and the F. D. May Survey, Abstract No. A-388, both being in Montgomery County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at a point in the North Line of the John Taylor Survey, Abstract No. A-547, said point also being the Southwest Corner of the James Stephen Survey, Abstract No. A-536 and also being the Southeast Corner of the Henry Applewhite Survey, Abstract No. A-51 and being the Place of Beginning:

Thence, South 89 degrees, 56 minutes East, along the common line between the James Stephens Survey, Abstract No. A-536 and the John Taylor Survey, Abstract No. A-547, a distance of 489.15 feet to a point for a corner;

Thence, North 00 degrees, 17 minutes West, a distance of 56.11 feet to a point for a corner;

Thence, North 89 degrees, 46 minutes, 37 seconds East, a distance of 2,086.05 feet to a point for a corner;

Thence, South 00 degrees, 17 minutes East, a distance of 66.66 feet to a point for a corner said point being in the South Line of the James Stephens Survey, Abstract No. A-536;

Thence, South 89 degrees, 56 minutes East, along the common line between the James Stephens Survey, Abstract No. A-536 and the John Taylor Survey, Abstract No. A-547, a distance of 1,655.79 feet to a point for a corner, said point being the Southeast Corner of the James Stephens Survey, Abstract No. A-536;

Thence, North 00 degrees, 20 minutes, 30 seconds West, along the common line between the James Stephens Survey, Abstract No. A-536 and the Wm. McDermott Survey, Abstract No. A-389, a distance of 886.92 feet to a point for a corner;

Thence, North 89 degrees, 57 minutes West, a distance of 529.37 feet to a point for a corner;

Thence, North 00 degrees, 22 minutes, 26 seconds West, a distance of 820.62 feet to a point for a corner;

Thence, South 89 degrees, 57 minutes East, a distance of 529.76 feet to a point for a corner, said point being in the East Line of the James Stephens Survey, Abstract No. A-536;

Thence, North 00 degrees, 20 minutes, 30 seconds West, along the common line between the James Stephens Survey, Abstract No. A-536 and the Wm.

McDermott Survey, Abstract No. A-389, a distance of 819.89 feet to a point for a corner;

Thence, North 89 degrees, 57 minutes West, a distance of 1,590.69 feet to a point for a corner;

Thence, South 00 degrees, 26 minutes, 19 seconds East, a distance of 409.85 feet to a point for a corner;

Thence, South 89 degrees, 57 minutes East, a distance of 529.99 feet to a point for a corner;

Thence, South 00 degrees, 24 minutes, 23 seconds East, a distance of 82.00 feet to a point for a corner;

Thence, South 89 degrees, 57 minutes East, a distance of 529.96 feet to a point for a corner;

Thence, South 00 degrees, 26 minutes, 19 seconds East, a distance of 82.00 feet to a point for a corner;

Thence, South 89 degrees, 57 minutes East, a distance of 529.90 feet to a point for a corner;

Thence, South 00 degrees, 24 minutes, 23 seconds East, a distance of 82.00 feet to a point for a corner;

Thence, North 89 degrees, 57 minutes West, a distance of 529.87 feet to a point for a corner;

Thence, South 00 degrees, 26 minutes, 19 seconds East, a distance of 328.10 feet to a point for a corner;

Thence, South 89 degrees, 57 minutes East, a distance of 529.65 feet to a point for a corner;

Thence, South 00 degrees, 24 minutes, 23 seconds East, a distance of 656.54 feet to a point for a corner;

Thence, North 89 degrees, 57 minutes West, a distance of 529.32 feet to a point for a corner;

Thence, North 00 degrees, 26 minutes, 19 seconds West, a distance of 410.41 feet to a point for a corner;

Thence, North 89 degrees, 57 minutes West, a distance of 529.54 feet to a point for a corner;

Thence, North 00 degrees, 28 minutes, 15 seconds West, a distance of 410.21 feet to a point for a corner;

Thence, North 89 degrees, 57 minutes West, a distance of 1,060.42 feet to a point for a corner;

Thence, North 00 degrees, 32 minutes, 08 seconds West, a distance of 328.05 feet to a point for a corner;

Thence, North 89 degrees, 57 minutes West, a distance of 529.96 feet to a point for a corner;

Thence, North 00 degrees, 34 minutes, 04 seconds West, a distance of 163.94 feet to a point for a corner;

Thence, South 89 degrees, 57 minutes East, a distance of 530.04 feet to a point for a corner;

Thence, North 00 degrees, 32 minutes, 08 seconds West, a distance of 327.88 feet to a point for a corner;

Thence, South 89 degrees, 57 minutes West, a distance of 125.20 feet to a point for a corner;

Thence, North 00 degrees, 32 minutes, 08 seconds West, a distance of 808.31 feet to a point for a corner;

Thence, South 89 degrees, 57 minutes East, a distance of 965.74 feet to a point for a corner;

Thence, North 00 degrees, 36 minutes West, a distance of 852.75 feet to a point for a corner;

Thence, North 89 degrees, 57 minutes West, a distance of 2,151.33 feet to a point for a corner, said point being in the East Line of the Henry Applewhite Survey, Abstract No. A-51.

Thence, South 00 degrees, 36 minutes East, along the East Line of the Henry Applewhite Survey, Abstract No. A-51, a distance of 1,743.03 feet to a point for a corner;

Thence, South 89 degrees, 57 minutes East, a distance of 530.18 feet to a point for a corner;

Thence, South 00 degrees, 34 minutes, 04 seconds East, a distance of 81.97 feet to a point for a corner;

Thence, North 89 degrees, 57 minutes West, a distance of 530.16 feet to a point for a corner, said point being in the East Line of the Henry Applewhite Survey, Abstract No. A-51;

Thence, South 00 degrees, 36 minutes East, along the East Line of the Henry Applewhite Survey, Abstract No. A-51, a distance of 1,066.16 feet to a point for a corner;

Thence, South 89 degrees, 57 minutes East, a distance of 1,059.08 feet to a point for corner;

Thence, South 00 degrees, 32 minutes, 08 seconds East, a distance of 82.08 feet to a point for a corner;

Thence, North 89 degrees, 57 minutes West, a distance of 529.94 feet to a point for a corner;

Thence, North 00 degrees, 34 minutes, 04 seconds West, a distance of 82.02 feet to a point for a corner;

Thence, North 89 degrees, 57 minutes West, a distance of 529.94 feet to a point for a corner; said point being in the East Line of the Henry Applewhite Survey, Abstract No. A-51;

Thence, South 00 degrees, 36 minutes East, along the common line between the James Stephens Survey, Abstract No. A-536 and the Henry Applewhite Survey, Abstract A-51, a distance of 1,295.94 feet to the Place of Beginning and containing 248.1623 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

A. P. Brooks
W. A. Carpenter
L. B. Shaw
S. F. Haase
R. A. Hendricks

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation

measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1833, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun and Nichols requested to be recorded as voting Nay on passage to engrossment of HB 1833.

(Mr. Cobb in the Chair)

HB 1834 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1834, Creating Rayo DeSol Utility District in Montgomery County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1834 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Montgomery County, Texas, to be known as Rayo DeSol Utility District hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited

by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

A 114.5855 acre tract of land being a part of and out of the Mary Owen Survey, Abstract No. A-405, Montgomery County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at a point in the West Line of the Mary Owen Survey, Abstract No. A-405 (also being in the East Line of the William Massey Survey, Abstract No. A-541), said point being the Southwest Corner of the River Oaks Subdivision and the Place of Beginning;

Thence, South 00 degrees, 24 minutes West, along the common line between the Mary Owen Survey, Abstract No. A-405 and the William Massey Survey, Abstract No. A-541, a distance of 1,362.07 feet to a point for a corner;

Thence, South 88 degrees, 30 minutes East, a distance of 672.95 feet to a point for a corner;

Thence, South 00 degrees, 24 minutes West, a distance of 62.00 feet to an angle point, said point being in the West Right-of-Way of the Eastex Freeway;

Thence, South 70 degrees, 10 minutes, 46 seconds East, a distance of 988.88 feet to an angle point, said point being in the East Right-of-Way Line of the Eastex Freeway;

Thence, South 89 degrees, 48 minutes East, a distance of 1,173.10 feet to a point for a corner; said point being in the West Right-of-Way Line of U. S. Highway 59;

Thence, North 17 degrees, 28 minutes East, along the West Right-of-Way Line of U. S. Highway 59, a distance of 1,148.15 feet to a point for a corner;

Thence, North 72 degrees, 30 minutes West, a distance of 20.90 feet to a point for a corner;

Thence, North 17 degrees, 28 minutes East, a distance of 499.80 feet to an angle point;

Thence, North 23 degrees, 11 minutes East, a distance of 100.50 feet to an angle point;

Thence, North 17 degrees, 28 minutes East, a distance of 119.80 feet to a point for a corner, said point being in the South Line of the River Oaks Subdivision;

Thence, South 89 degrees, 56 minutes West, along the South Line of the River Oaks Subdivision, a distance of 3,316.40 feet to the Place of Beginning and containing 114.5855 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

D. C. Cox
James Gist
G. G. Guillet
J. W. Hendricks
R. V. Hitt

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1834, as amended, was passed to engrossment.

HB 1835 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1835, Creating the Cedar Bayou Municipal Utility District in Chambers County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1835 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Chambers County, Texas, to be known as Cedar Bayou Municipal Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Tract I

Lying wholly in Chambers County, Texas and being 139.803 acres of land, more or less situated in the Christian Smith League, Abstract No. 22, and the Jacob Armstrong Survey Abstract No. 2, Chambers County, Texas, and being more particularly described as follows:

Beginning, at a point marking the Southeast corner of a 37.7192 acre tract as recorded by instrument in Volume 181, Page 340 of the Cham-

bers County Deed Records, Texas, said corner also being on the Westerly right-of-way line of State Highway No. 146;

Thence, S 78° 17' 04" W, a distance of 1310.04 feet to a point for corner;

Thence, S 10° 32' 21" E, a distance of 104.84 feet to an angle point;

Thence, S 10° 42' 49" E, a distance of 92.09 feet to an angle point;

Thence, S 13° 10' 28" W, a distance of 224.79 feet to a point on the Easterly high Bank of Cedar Bayou;

Thence, following the Easterly bank of said Cedar Bayou with its meanders as follows:

N 75° 42' 34" W, 153.17 feet;

S 86° 04' 48" W, 198.23 feet;

S 80° 12' 14" W, 119.12 feet;

N 86° 17' 32" W, 112.36 feet;

N 63° 42' 16" W, 145.25 feet;

N 30° 33' 52" W, 113.82 feet;

N 05° 15' 01" E, 139.00 feet;

N 24° 08' 18" E, 322.35 feet;

N 09° 21' 39" E, 290.00 feet;

N 18° 51' 50" W, 351.09 feet;

N 12° 43' 00" W, 98.00 feet;

N 04° 44' 00" W, 91.30 feet;

N 08° 26' 47" E, 12.39 feet;

N 04° 48' 22" E, 33.50 feet;

N 12° 04' 22" E, 62.30 feet;

N 24° 16' 27" E, 106.56 feet;

N 17° 31' 08" E, 110.19 feet;

N 02° 55' 21" E, 91.99 feet;

N 05° 56' 00" W, 69.65 feet;

N 18° 13' 34" W, 97.16 feet;

N 36° 41' 03" W, 125.94 feet;

N 65° 16' 04" W, 127.52 feet;

N 77° 38' 17" W, 213.51 feet;

N 48° 41' 40" W, 100.06 feet;

N 13° 03' 49" W, 160.33 feet;

N 14° 53' 32" E, 100.00 feet;

N 42° 38' 03" E, 77.94 feet;

N 57° 13' 17" E, 133.91 feet;

N 70° 51' 12" E, 148.94 feet;

N 80° 55' 50" E, 151.55 feet;

N 77° 08' 44" E, 166.43 feet;

N 60° 59' 48" E, 86.83 feet;

N 52° 50' 24" E, 201.91 feet;

N 27° 06' 30" E, 247.35 feet to a point on the South boundary line of Bayou Bend Subdivision Section Two, according to the Map thereof recorded in Volume 2, Page 147 of the Chambers County Map Records;

Thence, in a Northeasterly direction following the South Boundary line of said Subdivision as follows:

N 79° 06' 30" E, a distance of 386.09 feet to an angle point;

N 76° 42' 30" E, a distance of 940.79 feet to an angle point;

N 78° 44' 44" E, a distance of 552.55 feet to a point on the Westerly right-of-way line of State Highway 146;

Thence, S 12° 36' 50" W, along the Westerly line of said Highway 146, a distance of 477.44 feet to a point of curvature of a curve to the right;

Thence, along the Westerly right-of-way line of said Highway 146, along the arc of said curve to the right, having a radius of 9303.00 feet and subtending a central angle of 4° 27' 08", a distance of 722.90 feet to a point;

Thence, following the Westerly right-of-way line of said Highway 146 as follows:

S 08° 27' 21" W, a distance of 82.82 feet;

S 07° 57' 21" W, a distance of 100.52 feet;

S 07° 27' 21" W, a distance of 100.52 feet;

S 06° 57' 21" W, a distance of 100.52 feet;

S 06° 27' 21" W, a distance of 59.66 feet to a point on the Southline of the Jacob Armstrong Survey and the North line of the Christian Smith League;

S 06° 27' 21" W, a distance of 40.86 feet;

S 05° 57' 21" W, a distance of 100.52 feet;

S 05° 27' 21" W, a distance of 100.52 feet;

S 04° 57' 21" W, a distance of 5.73 feet to a point on a curve;

Thence, in a Southwesterly direction along the Westerly right-of-way line of said Highway 146 along the arc of a curve to the left, having a radius of 11520.00 feet, and subtending a central angle of 03° 03' 00", a distance of 613.24 feet to a point;

Thence, S 01° 33' 50" W, along the Westerly right-of-way line of said Highway No. 146 a distance of 365.93 feet to the Point of Beginning.

Containing 139.803 acres of land, more or less.

Tract II

Lying wholly within Chambers County, Texas and being 60.385 acres of land more or less situated in the Christian Smith League, Abstract No. 22, Chambers County, Texas, and being more particularly described as follows:

Beginning at the southwest corner of a 5.316 acre tract of land conveyed to the Houston Lighting and Power Company by Deed recorded in Volume 291, Page 480 of the Deed Records for said County, said point also being on the southeast corner of a 70.51 acre tract of land conveyed to William R. Laughlin, Trustee by Deed recorded in Volume 321, Page 332 of the Deed Records for said County;

Thence, S 77° 53' 52" W, along the south line of said 70.51 acre tract, a distance of 3484.79 feet to a point in the east right-of-way line of State Highway No. 146;

Thence, N 02° 08' 21" E, along the east right-of-way line of State Highway No. 146, a distance of 336.12 feet to the point of curvature of a 00° 30' curve to the right having a central angle of 10° 34';

Thence, with said curve of the East right-of-way line of said State Highway No. 146, the following courses and distances;

N 02° 31' 49" E, 112.82 feet to a point;

N 02° 57' 00" E, 99.48 feet to a point;

N 03° 27' 00" E, 99.48 feet to a point;

N 03° 57' 00" E, at 98.30 feet pass the southwest corner of a 1.00 acre tract of land conveyed to Mrs. Maggie Smith by Deed recorded in Volume 219, Page 156 of the Deed Records of said County, continuing in all 99.48 feet to a point;

N 04° 27' 00" E, 99.48 feet to a point;

N 04° 57' 00" E, 99.48 feet to a point;

N 05° 32' 42" E, 13.76 feet to the northwest corner of said 1.00 acre tract;

Thence N 77° 53' 35" E, along the north line of said 1.00 acre tract and the aforementioned 70.51 acre tract, a distance of 3231.08 feet to the northwest corner of the aforesaid Houston Lighting and Power Company tract;

Thence S 12° 14' 18" E, along the west line of said Houston Lighting and Power Company tract, a distance of 926.32 feet to the Point of Beginning, containing 71.510 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

O. F. Horn
James Sims
Mary Jean Davis
Glenn Waymire
Billy Hearnberger

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby

declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1835, as amended, was passed to engrossment.

HB 48 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 48, Providing the rules governing bail pending appeal.

The bill was read second time and was passed to engrossment.

HB 1882 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1882, Relating to the compensation of assistant district attorneys for the 49th Judicial District.

The bill was read second time and was passed to engrossment.

HB 653 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 653, Relating to authorizing the county judge of certain counties to appoint a county industrial commission.

The bill was read second time.

Mr. Adams offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 653 on line 18 after the word County add the following:

"and who are currently serving or have served in the past on the Industrial Foundation Committee, Commissioners Court, City Council or school boards,"

The committee amendment was adopted without objection.

HB 653, as amended, was passed to engrossment.

HB 694 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 694, Relating to the licensing of certain insurance agents and the license and appointment fees of certain insurance agents.

The bill was read second time.

Mr. Pickens offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 694 by striking Sections 1 and 2 and renumbering the subsequent sections accordingly.

The committee amendment was adopted without objection.

HB 694, as amended, was passed to engrossment.

VOTE RECORDED

Mr. Poff requested to be recorded as voting Nay on passage to engrossment of HB 694.

SB 1026 ON SECOND READING

(Mr. Burgess—House Sponsor)

The Chair laid before the House, in lieu of HB 1879, on its second reading and passage to third reading,

SB 1026, Relating to changing the open season for the taking of squirrel in San Augustine and Shelby Counties.

The bill was read second time and was passed to third reading.

HB 1879—LAID ON THE TABLE SUBJECT TO CALL

Mr. Burgess moved that HB 1879 be laid on the table subject to call.

There was no objection offered and it was so ordered.

SB 1025 ON SECOND READING

(Mr. Burgess—House Sponsor)

The Chair laid before the House, in lieu of HB 1880, on its second reading and passage to third reading,

SB 1025, Relating to allowing hunting with dogs in San Augustine County.

The bill was read second time and was passed to third reading.

HB 1880—LAID ON THE TABLE SUBJECT TO CALL

Mr. Burgess moved that HB 1880 be laid on the table subject to call.

There was no objection offered and it was so ordered.

COMMITTEE MEETING

Mr. Smith asked unanimous consent of the House that the Committee on Governmental Affairs and Efficiency be permitted to meet at this time.

There was no objection offered.

CONSIDERATION OF BILLS ON THE LOCAL
AND CONSENT CALENDAR—(continued)

HB 963 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 963, Relating to the authority of the comptroller to authorize the use of metered machines in lieu of cigarette stamps by out-of-state purchasers.

The bill was read second time and was passed to engrossment.

VOTE RECORDED

Mr. Poff requested to be recorded as voting Nay on passage to engrossment of HB 963.

HB 1064 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1064, Authorizing the establishment of a program of financial support for basic administrative costs for regional education service centers, etc.

The bill was read second time.

Mr. Clark offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1064 by striking all below the enacting clause and substituting the following:

Section 1. Section 11.33, Texas Education Code, is amended by adding Subsection (c) to read as follows:

"(c) Basic costs for the provision of regional education services to school districts and coordination of educational planning in the region and for administrative costs necessary to support these services shall be paid from the Foundation School Program under a formula developed by the state commissioner of education and approved by the State Board of Education. Such allotment amounts here authorized to be granted by the State Board of Education shall not exceed in any year a sum equal to \$2 multiplied by the average daily attendance in the public schools of Texas as determined for the next preceding school year. This subsection shall be effective when cited in the General Appropriation Act."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both Houses of the Legislature create an emergency and

an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended, and this Act shall take effect and be in force as provided herein from and after its passage, and it is so enacted.

The committee amendment was adopted without objection.

HB 1064, as amended, was passed to engrossment.

HB 811 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 811, Permitting a court to impose a period of imprisonment in jail when placing a defendant on probation.

The bill was read second time.

Mr. Blanton offered the following amendment to the bill:

Amend HB 811, 2nd printing, page 1 by striking the figure "60" on line 23 and substituting the figure "30" in lieu thereof.

The amendment was adopted without objection.

HB 811, as amended, was passed to engrossment.

(Mr. Lombardino in the Chair)

COMMITTEE MEETING

Mr. Golman asked unanimous consent of the House that the Committee on State Affairs be permitted to meet at this time.

There was no objection offered.

CONSIDERATION OF BILLS ON THE LOCAL AND CONSENT CALENDAR—(continued)

HB 1166 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1166, Relating to the compensation of the official shorthand reporter for the 75th Judicial District.

The bill was read second time.

Mr. Short offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1166, First Printing, by striking on line 19 the phrase "less than \$9,000 per annum, nor."

The committee amendment was adopted without objection.

HB 1166, as amended, was passed to engrossment.

HB 1265 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1265, Relating to a bank as custodian employed by a fiduciary and to property held by such custodian.

The bill was read second time and was passed to engrossment.

VOTE RECORDED

Mr. Adams requested to be recorded as voting Nay on passage to engrossment of HB 1265.

HB 1316 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1316, Defining the term Eligible Junior College District; authorizing the annexation of territory by Eligible Junior College Districts under certain circumstances.

The bill was read second time and was passed to engrossment.

VOTE RECORDED

Mr. Poff requested to be recorded as voting Nay on passage to engrossment of HB 1316.

HB 1441 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1441, Relating to the distribution of equalization tax funds to school districts.

The bill was read second time and was passed to engrossment.

HB 1687 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1687, Relating to the authority of certain counties having a certain population to employ a county engineer.

The bill was read second time and was passed to engrossment.

HB 1741 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1741, Relating to high school equivalency examinations.

The bill was read second time and was passed to engrossment.

(Mr. Finney in the Chair)

HB 1756 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1756, Relating to the composition and terms of office of the Texas Board of Licensure for Nursing Home Administrators.

The bill was read second time.

Mr. Hawkins offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1756 by adding after the word "Texas" on line 33 of the printed bill the following:

"; however, one of these seven shall represent a nonproprietary nursing home."

Committee Amendment No. 2

Amend HB 1756 by adding a new paragraph numbered number (8).

"(8) No person shall be eligible for service on this board as a nursing home administrator representative unless he is the holder of a nursing home administrator's license under the provisions of this Act and is currently serving as a nursing home administrator.

The committee amendments were severally adopted without objection.

Mr. Newton offered the following amendments to the bill:

Amend HB 1756, Second Printing, as follows:

(1) On page 1, line 22, substitute "six (6)" for "eleven(11)."

(2) On page 1, line 31, substitute "four (4)" for "seven (7)."

(3) In quoted Subsection (4), beginning on page 1, line 34, substitute "two (2)" for "three (3)" wherever it appears.

Amend Committee Amendment No. 1 by substituting "four" for "seven."

The amendments were severally adopted without objection.

HB 1756, as amended, was passed to engrossment.

HB 1687—VOTE RECONSIDERED

Mr. Daniel moved to reconsider the vote by which HB 1687 was passed to engrossment.

The motion prevailed without objection.

The Chair laid before the House on its passage to engrossment, HB 1687.

Mr. Silber offered the following amendment to the bill:

Amend HB 1687 Second Printing by the following:

Insert the following sentence after the word "purpose." on line 25 of Section 1 on page 1:

"The engineer selected shall be a Registered Professional Engineer in the State of Texas."

The amendment was adopted without objection.

HB 1687, as amended, was passed to engrossment.

HB 1504 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1504, Relating to submission of false credit information to a credit rating bureau.

The bill was read second time.

Mr. Coats offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1504, Section 2 by adding on line 18 between the word "who" and the word "furnishes" the word "knowingly."

The committee amendment was adopted without objection.

Mr. Tupper offered the following amendment to the bill:

Amend HB 1504 as follows:

(1) By striking the phrase "credit rating bureau" in Section 1 and Section 2 thereof and substituting therefor the phrase "credit reporting bureau."

(2) By striking the phrase "evaluating credit information" in Section 1 thereof, and substituting the phrase "reporting credit information."

The amendment was adopted without objection.

HB 1504, as amended, was passed to engrossment.

HB 1773 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1773, Relating to the compensation of the District Attorney of the 75th Judicial District.

The bill was read second time and was passed to engrossment.

HB 1857 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1857, Relating to the assignment of certain retired district judges to sit in certain courts.

The bill was read second time and was passed to engrossment.

VOTE RECORDED

Mr. Clayton requested to be recorded as voting Nay on passage to engrossment of HB 1857.

HB 234 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 234, Amending the Legislative Reorganization Act of 1961.

The bill was read second time.

Mr. Hale offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 234 by adding thereto new sections to be known and designated as Sections 4 and 5, and renumbering all subsequent sections, such new Sections 4 and 5 to read as follows:

Section 4. Acts 1961, 57th Legislature, page 654, Chapter 303, known and cited as the "Legislative Reorganization Act of 1961," and codified as Art. 5429f, Vernon's Annotated Civil Statutes of the State of Texas, be and the same is hereby amended by adding thereto new sections immediately following Section 5, such new sections to be designated as Sections 5a, 5b, 5c, and 5d, such new sections to read as follows:

Section 5a. No Committee of either House of the Legislature shall take action upon or report any local bill unless and until each and all of the following requirements have been fully complied with:

(1) The county affected by such bill must be clearly identified in the bill by name.

(2) Notice of intention to apply for the passage of such bill must have been published according to the requirements of law.

(3) Evidence of the publication of such notice, as required by law, must be exhibited to the committee and firmly attached to the bill.

Section 5b. No committee of either House of the Legislature shall take action upon or report any bill involving the use of population brackets for the purpose of determining the affected areas of such law except under one or more of the following circumstances:

(1) The bill affects all of areas of Texas and population brackets are used solely for the purpose of a reasonable classification of counties within the state for the purpose of recognizing differences in the application of such law to differing counties based on population.

(2) The bill is one which affects a limited group of counties in a similar manner because of similar problems resulting from the size of such counties based upon population, provided that the use of such population bracket shall not result in the application of such law to any fewer than five (5) counties.

(3) The bill is an open end population bracket which contains only a minimum or a maximum population figure and applies equally to all counties within such open end bracket, with no population limitation at the opposite end of such open end bracket.

Section 5c. No committee of either House of the Legislature shall take action upon or report any bill involving the use of population brackets if such population brackets involve any consideration or factor other than the total population of the county or counties affected. It is the intention of this section to prohibit the use of population figures or brackets of any and all political subdivisions other than counties in determining the area to be affected by such law.

Section 5d. No committee of either House of the Legislature shall take action upon or report any bill involving the use of population brackets which also utilizes any other type of statistical information for the purpose of classifying or determining the areas to be affected by such law. It is the intention of this section to prohibit the use of population brackets in combination with assessed valuations, student enrollments, or other statistical data for the purpose of defining in such bill the areas in which such law shall have application.

Section 5. Art. 2, Revised Civil Statutes of Texas, as amended, is hereby amended so as hereafter to read as follows:

Article 2. Special Laws: Notice.

Any person intending to apply for the passage of any local or special law shall give notice of such special intention by having a statement of the substance of such law published in some newspaper published in the county embracing the locality to be affected by said law, such notice to be published one time at least thirty days prior to the introduction into the Legislature of such contemplated law.

The committee amendment was adopted without objection.

Mr. Doran offered the following amendment to the bill:

Amend HB 234 by striking Section 3, quoted Section 7a in its entirety and renumbering all subsequent sections.

Mr. Hale moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—113

Adams	Doyle	Lemmon	Rosson
Agnich	Earthman	Ligarde	Salem
Allen, Joe	Farenthold	Lombardino	Salter
Allred	Finck	Longoria	Sanchez
Angly	Floyd	Lovell	Santiesteban
Atwell	Golman	McKissack	Semos
Atwood	Grant	Mengden	Shannon
Bass, B.	Graves	Moncrief	Short
Bass, T.	Hale	Moore, A.	Silber
Beckham	Hanna, Joe	Moore, G.	Simmons
Bigham	Hannah, John	Moore, T.	Slider
Blythe	Harris	Moreno	Smith
Bowers	Hawkins	Murray	Solomon
Boyle	Hawn	Nabers	Spurlock
Braecklein	Haynes	Nelms	Stewart
Braun	Head	Newton	Stroud
Bynum	Hendricks	Nichols	Tarbox
Caldwell	Hilliard	Nugent, J.	Traeger
Carrillo	Holmes, T.	Ogg	Truan
Cates	Hubenak	Orr	Uher
Christian	Hull	Parker, C.	Vale
Clark	Ingram	Patterson	Von Dohlen
Clayton	Johnson	Pickens	Ward
Coats	Jones, D.	Poerner	Wieting
Cobb	Jungmichel	Poff	Williams
Daniel	Kilpatrick	Presnal	Williamson
Davis, D.	Kost	Reed	Wolff
Davis, H.	Lee	Rodriguez	Wyatt
Denton			

Nays—26

Allen, John	Dramberger	Jones, E.	Neugent, D.
Blanton	Finnell	Jones, G.	Parker, W.
Burgess	Foreman	Kaster	Schulle
Calhoun	Garcia	Kubiak	Slack
Cavness	Harding	Lewis	Swanson
Craddick	Heatly	McAlister	Tupper
Doran	Howard		

In The Chair

Finney

Absent

Baker	Cruz	Price	Sherman
Cole	Niland		

Absent-Excused

Gammage Holmes, Z. Wayne

HB 234, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Mengden, Blythe, Jungmichel, Cavness, Craddick, and Lee requested to be recorded as voting Nay on passage to engrossment of HB 234.

MESSAGE FROM THE SENATE

Austin, Texas, May 24, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

SB 321, By Kennard: To establish a state policy for the environment, to require state agencies and subdivisions to comply therewith, to provide for the establishment of an Office of Environmental Quality, and for other purposes.

SB 1018, By Kennard: Providing for an inventory of all land uses within the State of Texas; authorizing and directing the Land Commissioner to contract with such personnel or firms as may be necessary to take such inventory; and declaring an emergency.

SCR 114, By Wilson: Designating the months of July, August, and September, 1971, as "Keep Texas Homes Beautiful" months.

SB 1031, By Watson: Relating to providing for a minimum brucellosis blood test and an alternate bovine brucellosis test for dairy cattle; and declaring an emergency.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 911 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 803 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate: Senators Patman, Wilson, Hall, Word, and McKool.

I am directed by the Senate to inform the House that the Senate has readopted the Conference Committee Report on SB 369 by the following vote: 24 Yeas, 7 Nays.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

CONSIDERATION OF BILLS ON THE LOCAL
AND CONSENT CALENDAR—(continued)

HB 160 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 160, Relating to providing a presumption that a person knowingly receives or conceals stolen property under certain circumstances.

The bill was read second time.

Mr. Rosson offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend Section 1 of HB 160 by striking the quoted Subsection (b) and substituting the following:

“(b) A person is presumed to have known that the property has been acquired in a manner that comes within the meaning of the term theft if:

“(1) the person received it within 90 days after receiving a written description of the stolen property, including the serial number, if known, or other unique identification, either in person or by certified mail, return receipt requested, to his regular post office address or an address supplied by him to the city, county, or state law enforcement agencies; or

“(2) the person is a dealer in secondhand personal property and received the property without having ascertained by reasonable inquiry that the person from whom he received it had a legal right to transfer it.

“(c) In this Article:

“(1) ‘Reasonable inquiry’ includes the taking of a bill of sale describing the property, containing a legible signature and address of the seller, and containing the seller’s warranty that he has the right to possess and sell the property.

“(2) ‘Dealer in secondhand personal property’ means a person engaged in the business of buying and selling used or secondhand personal property or lending money on the security of personal property deposited with him.”

The committee amendment was adopted without objection.

HB 160, as amended, was passed to engrossment.

VOTE RECORDED

Mr. Nichols requested to be recorded as voting Nay on passage to engrossment of HB 160.

HB 281 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 281, Relating to death or disablement pension benefits for firemen due to heart or lung disease.

The bill was read second time.

Mr. Wayne offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 281 by striking all below the enacting clause and substituting the following:

"Section 1. The board of trustees of any firemen's pension fund in any incorporated city or town in this state may, upon fulfilling requirements hereinafter stated, establish benefit eligibility for a fulltime employee who has been employed for as long as six (6) years, and thereafter becomes disabled or dies from heart or lung disease, based on a presumption that such death or disease was a consequence of his duties as a fireman, if the fireman shall have successfully passed a physical examination prior to the claimed disability or death, or upon entering upon his employment as a fireman, and the examination failed to reveal any evidence of the condition or disease of the lungs, hypertension or heart disease.

Section 2. Before any such board shall adopt as part of its plan for retirement benefits the presumption, together with qualifications, set forth in Section 1 hereof, it shall take the following preliminary step(s):

(a) Obtain an actuarial study showing how the proposed change in benefit eligibility standards will affect the financial condition of the fund.

(b) In the event that such actuarial study shows that inclusion of the proposed change in benefit eligibility standards will not make the fund financially unsound, then said board shall, within thirty days after receipt of such actuarial study, hold an election in which the active participants contributing to the fund shall vote on the question of whether such benefit eligibility standard should be instituted, said board being bound by the results of such election.

Section 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The committee amendment was adopted without objection.

HB 281, as amended, was passed to engrossment.

VOTE RECORDED

Mr. Clayton requested to be recorded as voting Nay on passage to engrossment of HB 281.

SB 344 ON SECOND READING

(Mr. Salem—House Sponsor)

The Chair laid before the House, in lieu of HB 395, on its second reading and passage to third reading,

SB 344, Creating the Texas Board of Physical Therapy Examiners.

The bill was read second time.

Mr. Salem offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 344, by striking all below the enacting clause and substituting the following:

Section 1. Definitions. (a) "Physical therapy" means the care of any bodily condition of any person by the use of heat, light, water, electricity, and physical massage, manipulations, and active, passive, and resistive exercise. The use of roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used herein, and a license issued hereunder shall not authorize the diagnosis of disease or the practice of medicine. "Physical therapy" shall also include evaluating the patient by performing tests and/or measurements of neuromuscular, sensorimotor, musculoskeletal, cardiovascular, and respiratory functions as an aid to treatment; planning and implementing initial and subsequent treatment programs on the basis of approved tests findings; delegating selective forms of treatment to supportive personnel with assumption of the responsibilities for the care of the patient and the continuing direction and/or supervision of the supportive personnel and the providing of consultative services for health, education and community agencies. The term "physical therapy" as defined herein shall not include or authorize the employment of objective or subjective means without the use of drugs, surgery, x-ray therapy, or radium therapy for the purpose of ascertaining the alignment of the vertebra of the human spine or the practice of adjusting the vertebra of the human spine to correct any subluxation or misalignment thereof.

(b) "Physical therapist," "physiotherapist," or "physical therapy technician" means a person who practices physical therapy. "Hydrotherapist," "massage therapist," "mechano-therapist," "functional therapist," "physical therapy practitioner," "physical therapy specialist," "physiotherapy practitioner," are equivalent terms; any derivation of the above or any letters implying the above or equivalent terms or any reference to any one of them in this Act includes the others, but does not include certified corrective therapists and/or adapted or corrective physical education specialists.

(c) "Physical therapist assistant" means a person who assists a physical therapist in the practice of physical therapy and whose activities require an understanding of physical therapy, but do not require professional education in the physiological, anatomical, biological, physical, and clinical sciences involved in the practice of physical therapy, but does not include certified corrective therapists and/or adapted or corrective physical education specialists.

(d) "Physical therapy aide" means a person who aids in the practice of physical therapy and whose activities require on-the-job training and on-site supervision by the physical therapist, but does not mean certified corrective therapists and/or adapted or corrective physical education specialists.

(e) "Board" means the Texas Board of Physical Therapy Examiners.

Sec. 2. Creation of the Texas Board of Physical Therapy Examiners. (a) There is hereby created a Texas Board of Physical Therapy Examiners. The board shall consist of nine members appointed by the governor with the advice and consent of the Senate for terms of six years. The initial appointments shall be made so that three members serve until January 31, 1973, three members serve until January 31, 1975, and three members serve until January 31, 1977. Thereafter members shall serve terms of six years.

(b) The members of the board must be qualified for licensure under Section 8 of this Act and hold a certificate from the physical therapy curriculum of The University of Texas or an equivalent physical therapy curriculum. Members must be residents of this state and practitioners of physical therapy for five years immediately preceding appointment.

(c) Vacancies on the board shall be filled by appointment of the Governor with the advice and consent of the Senate, for the remainder of the term.

(d) The board may appoint an executive secretary-treasurer at an annual salary as determined by legislative appropriation.

(e) No member of the board shall be liable to civil action for any act performed in good faith in the execution of his duties in this capacity.

Sec. 3. Powers and Duties of the Board. (a) It shall be the duty of the board to examine applicants for licenses at least once a year at such reasonable places and times as shall be designated by the board in its discretion.

(b) The board may employ additional employees, including licensed physical therapists to aid in administering examinations.

(c) The examination shall embrace the following subjects: anatomy, pathology, physiology, psychology, physics, electro-therapy, radiation therapy, hydrotherapy, massage therapy, exercises, physical therapy as applied to medicine, neurology, orthopedics, psychiatry, and technical procedures in the practice of physical therapy.

(d) The board shall have the power to issue, suspend, and revoke licenses and issue subpoenas.

(e) The board may adopt rules and regulations consistent with this Act to carry out its duties in administering this Act.

Sec. 4. Organization. (a) The members of the board shall, upon appointment, elect from their number a chairman, secretary-treasurer, and other officers required for the conduct of business. Special meetings

of the board shall be called by the chairman and secretary-treasurer, acting jointly, or on the written request of any two members. The board may make such bylaws and rules as may be necessary to govern its proceedings and to carry into effect the purpose of this Act.

(b) The secretary-treasurer shall keep a record of each meeting of the board, and a register containing the names of all physical therapists licensed pursuant to this Act, which shall be at all times open to public inspection. On March 1 of each year the secretary-treasurer shall transmit an official copy of the list of the licensees to the secretary of state for permanent record, a certified copy of which shall be admissible as evidence in any court of this state.

(c) The board shall assist the proper legal authorities in the prosecution of all persons violating any provision of this Act.

Sec. 5. Compensation and Bond. (a) The members of the board shall receive a per diem fixed by the board, not to exceed \$30 per day for each day they are actually engaged in the work of the board. The members shall be reimbursed for all actual and necessary expenses incurred in the performance of the duties required by this Act.

(b) The secretary-treasurer of the board shall, within 30 days of his appointment by the board, execute a bond in the sum of \$10,000 payable to the board, conditioned upon his faithful performance of the duties of his office and accounting of all funds coming into his hands as secretary-treasurer. The bond shall be signed by two or more good and sufficient sureties or by a surety company authorized to do business in this state, and shall be approved by the chairman of the board.

Sec. 6. Exemptions. The provisions of this Act do not apply to physicians licensed by the Texas State Board of Medical Examiners, to dentists, duly qualified and registered under the laws of this state, who confine their practice strictly to dentistry; nor to licensed optometrists, who confine their practice strictly to optometry as defined by statute; nor to duly licensed chiropractors who confine their practice strictly to chiropractic as defined by statute; nor to occupational therapists, who confine their practice to occupational therapy; nor to certified corrective therapists who confine their practice to corrective therapy, exercise, and/or adapted physical education; nor to Registered Nurses or Licensed Vocational Nurses who are licensed under the laws of this state and who confine their practice to nursing only; nor to licensed chiropodists or podiatrists, who confine their practice strictly to chiropody or podiatry as defined by statute; nor to masseurs or masseuses in their particular sphere of labor; nor to athletic trainers who under the supervision of a licensed physician carry out the practice of prevention and/or physical rehabilitation of injuries incurred in athletics; nor to employees of athletic clubs, employees or operators of health clubs, employees or operators of gymnasiums in their particular spheres of labor so long as their activity is nonmedical and nontherapeutic in purpose and so long as their activity does not constitute the diagnosis or treatment of physical disease or defect; nor to salesmen or demonstrators of physical therapy equipment when engaged in selling such equipment; nor to any person employed by any agency, bureau or division of the government of the United States while performing the duties of his employment; nor to an employee performing services under the direct supervision of a physician in a hospital licensed under

Article 4437f, Vernon's Texas Civil Statutes; nor to legally qualified physical therapists of other states called in for consultation but who have no office in Texas and appoint no place in this state for seeing, evaluating, or treating persons; nor to students enrolled in an educational program approved by the board.

Sec. 7. Prohibited Acts. (a) No person may practice, or hold himself out as able to practice, physical therapy, or act or hold himself out as being a physical therapist unless he has first received a license under this Act.

(b) No person shall act or hold himself out as being a physical therapist assistant unless he has first received a license under this Act.

(c) A license is not required for a physical therapy aide.

Sec. 8. Physical Therapist License. (a) An applicant for a license as a physical therapist shall file a written application on forms provided by the board together with an examination fee of \$5. The applicant shall present evidence satisfactory to the board that he is of good moral character and that he has completed an accredited curriculum in physical therapy education which has provided adequate instruction in the basic sciences, clinical sciences, and physical therapy theory and procedures as determined by the board and:

(1) has completed a minimum of 60 academic semester credits or its equivalent from a recognized college which semester hour credits are acceptable for transfer to the University of Texas, including courses in the biological, social, and physical sciences; or

(2) has received a diploma from an accredited school of professional nursing.

(b) The board shall issue a license to each applicant who passes the examination, meets the qualifications set out in Subsection (a) of this section, has paid a \$25 license fee, and has not committed an act which constitutes grounds for denial of a license under Section 19 of this Act.

Sec. 9. Physical Therapist Assistant License. (a) An applicant for a physical therapist assistant license shall file a written application with the board on forms provided by the board together with an examination fee of \$5. The applicant shall present evidence that he is of good moral character and has completed a program of at least two years' duration offered by a college accredited by a recognized accrediting agency including elementary or intermediate courses in the anatomical, biological, physical sciences, and clinical procedures as prescribed and approved by the board.

(b) The board shall issue a license to each applicant who passes the examination, meets the qualifications set out in Subsection (a) of this section, pays a \$15 license fee, and has not committed an act which constitutes grounds for denial of a license under Section 19 of this Act.

Sec. 10. Reciprocal Licenses. A person who is licensed or otherwise registered as a physical therapist or as a physical therapist assistant by another state, the District of Columbia, or a territory of the United States whose requirements for licensure or registration were at the date

of licensing or registration substantially equal to the requirements set forth in this Act, may receive a physical therapist license or physical therapist assistant license without examination upon submission of an application on forms prescribed by the board and payment of a \$30 reciprocal license fee.

Sec. 11. Temporary Licenses. (a) The board shall issue a temporary license without examination to a physical therapist or physical therapist assistant who meets the qualifications set out in Sections 8 and 9 of this Act upon submission of a written application prescribed by the board, proof that the applicant is in this state on a temporary basis to assist in a case of medical emergency or to engage in a special physical therapy project, and payment of a \$20 physical therapist temporary license fee or \$12.50 physical therapist assistant temporary license fee. This license expires one year from the date of issue.

(b) The board shall issue a temporary license to a person who has applied for a license and meets the qualifications under the provisions of Sections 8 or 9 of this Act. This license expires upon completion of the next administered examination whether or not the applicant passes the examination.

Sec. 12. Professional Title. A licensed physical therapist may use the title "Licensed Physical Therapist." No other person may be so designated or permitted to use the term "Licensed Physical Therapist." The license as a physical therapist does not authorize the use of the prefix, "Dr.," the word "Doctor," or any suffix or affix indicating or implying that the licensed person is a physician.

Sec. 13. Reexamination. (a) Any applicant who fails to pass an examination given by the board may take another examination in the subjects in which he failed without payment of an additional examination fee, but must be so reexamined not less than 6 months nor more than 12 months after the unsuccessful examination.

(b) Upon failure of an applicant to pass a second examination the board may require him to complete additional courses of study designated by the board, in which case the applicant shall be required to present to the board satisfactory evidence of having completed the required additional courses before taking another examination and shall pay an additional fee equal to the fee required for filing the original application.

Sec. 14. Display of License. Each licensee shall display his license and renewal certificate in a conspicuous place in the principal office where he practices physical therapy.

Sec. 15. Renewal of Unexpired Licenses. (a) All licenses issued under this Act except temporary licenses expire one year from the date of issue.

(b) A renewal license shall be issued upon submission of an application form prescribed by the board and payment of the renewal fee as set out in this Act prior to the expiration date of the license.

Sec. 16. Renewal of an Expired License. (a) A license which has expired for less than 5 years from the date of application for renewal may be renewed by submission of an application form prescribed by the

board, payment of a \$2 fee for each year the license was expired without renewal, and payment of a \$5 restoration fee.

(b) A license which has expired for more than five years may be reinstated only by complying with the requirements and procedures for issuing the original license.

Sec. 17. License Renewal Fees. The renewal fees for licenses issued under this Act shall be established by the board according to the following schedule:

- (1) physical therapist license—not to exceed \$20; and
- (2) physical therapist assistant—not to exceed \$12.50.

Sec. 18. Penalties. (a) Any person who violates a provision of this Act is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$50 nor more than \$500, or by imprisonment in the county jail for not more than 60 days, or both.

(b) Each day of violation constitutes a separate offense.

(c) Any person who knowingly makes a false statement in his application for a license under this Act or in response to an inquiry of the board is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$200 nor more than \$500, or imprisonment in the county jail for not less than 60 days nor more than one year, or both.

Sec. 19. Grounds for Denial, Suspension, or Revocation of a License. A license may be denied, or after hearing, suspended or revoked if the applicant or licensee has:

(1) practiced physical therapy other than upon the referral of a physician licensed to practice medicine by the Texas State Board of Medical Examiners or the Texas State Board of Dental Examiners in this state, or a doctor licensed to practice chiropractic by the Texas Board of Chiropractic Examiners; or, in the case of practice as a physical therapist assistant, has practiced other than under the direction of a registered licensed physical therapist;

(2) used drugs or intoxicating liquors to an extent which affects his professional competency;

(3) been convicted for violating any municipal, state or federal narcotic law;

(4) been convicted of a felony or of a crime involving moral turpitude;

(5) obtained or attempted to obtain a license by fraud or deception;

(6) been grossly negligent in the practice of physical therapy or in acting as a physical therapist assistant;

(7) been adjudged mentally incompetent by a court of competent jurisdiction;

(8) been guilty of conduct unbecoming a person licensed as a physical therapist or a physical therapist assistant or of conduct detrimental to the best interest of the public;

(9) been guilty of soliciting patients, advertising, or any form of self-aggrandizement.

Sec. 20. Procedures for Denial, Suspension, or Revocation of a License.

(a) Any person whose application for a license is denied is entitled to a hearing before the board if he submits a written request to the board.

(b) Proceedings for revocation or suspension of a license shall be commenced by filing charges with the board in writing and under oath. The charges may be made by any person or persons.

(c) The board shall fix a time and place for a hearing and shall cause a written copy of the charges or reason for denial of a license, together with a notice of the time and place fixed for the hearing, to be served on the applicant requesting the hearing or licensee against whom the charges have been filed at least 20 days prior to the date set for the hearing. Service of charges and notice of hearing may be given by certified mail to the last known address of the licensee or applicant.

(d) At the hearing the applicant or licensee has the right to appear either personally or by counsel, or both, to produce witnesses, and to have subpoenas issued by the board and to cross-examine opposing or adverse witnesses.

(e) The board is not bound by strict rules of procedure or by the laws of evidence in the conduct of the proceedings, but the determination shall be founded upon sufficient legal evidence to sustain it.

(f) The board shall determine the charges on their merits and enter an order in a permanent record setting forth the findings of fact and law and the action taken. A copy of the order of the board shall be mailed to the applicant or licensee at his last known address by certified mail.

(g) On application, the board may reissue a license to a person whose license has been cancelled or revoked, but the application may not be made prior to the expiration of a period of six months after the order of cancellation or revocation has become final, and the application shall be made in the manner and form as the board may require.

Sec. 21. Procedures for Appeal. (a) A person whose application for a license has been refused or whose license has been cancelled, revoked, or suspended by the board may take an appeal, within 20 days after the order is entered, to any district court of Travis County or to any district court of the county of his residence.

(b) A case reviewed under the provisions of this section proceeds in the district court by trial de novo as that term is used and understood in appeals from justice of the peace courts to the county courts of this state. Appeal from the judgment of the district court lies as in other civil cases.

Sec. 22. Fees. All fees received by the board under this Act shall be deposited in the state treasury to the credit of the general revenue fund.

Sec. 23. Issuance of Licenses on the Effective Date of Act. (a) On the effective date of this Act, any person who is practicing physical therapy or engaged as a physical therapist assistant in this state shall be issued a license without examination upon application to the board, proof that he meets the qualifications for license set out in Sections 8 or 9 of this Act, and payment of a \$30 license fee. Applications for a license under this subsection must be made within 90 days from the effective date of this Act.

(b) On the effective date of this Act, any person who is practicing physical therapy or engaged as a physical therapist assistant for at least five years but does not meet the qualifications set out in Sections 8 or 9 of this Act, may be issued a license upon submission of an application on forms prescribed by the board, successful completion of a written examination administered by the board, and payment of a \$30 license fee. Applications for a license under this subsection must be made within 90 days from the effective date of this Act.

Sec. 24. Effective date. This Act is effective September 1, 1971, except Section 7 which is effective January 1, 1972.

Sec. 25. Severability. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 26. Emergency. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Clayton offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to SB 344 by adding at the end of Section 6 the following:

"Nothing in this Act shall be construed to authorize the practice of optometry, including vision therapy, hand-eye coordination exercises, visual training, and developmental vision therapy by any person not licensed by the Texas Optometry Board."

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

SB 344, as amended, was passed to third reading.

VOTES RECORDED

Representatives Harris and Kubiak requested to be recorded as voting Nay on passage to third reading of SB 344.

HB 395—LAID ON THE TABLE SUBJECT TO CALL

Mr. Salem moved that HB 395 be laid on the table subject to call.

There was no objection offered and it was so ordered.

HB 517 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 517, Relating to the transfer of voluntary mental patients.

The bill was read second time.

Mr. Finck offered the following amendment to the bill:

Amend HB 517, second printing, by renumbering Section 2 as Section 3 and inserting a new Section 2 to read as follows:

Sec. 2. The Texas Mental Health Code (Articles 5547-1, et seq., Vernon's Texas Civil Statutes) is amended by adding Section 75B to read as follows:

"Section 75B. No voluntary patient shall be transferred under the authority of Sections 73, 74 or 75 of this Code until he shall have been served with a written notice that he shall be transferred and shall have agreed to such transfer. If such voluntary patient shall fail to either agree or disagree to such transfer within 24 hours of his service with such notice, he shall be deemed to have agreed to the transfer. Notice of transfer shall be signed and delivered by the administrator of the transferring hospital or his authorized agent and shall advise the patient that he may disagree, that if he does disagree, he shall not be transferred, but may be released."

The amendment was adopted without objection.

HB 517, as amended, was passed to engrossment.

HB 728 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 728, Providing a means whereby any person who may be entitled to receive property under any will by inheritance from a decedent may disclaim and renounce such property.

The bill was read second time.

Mr. Finck offered the following amendment to the bill:

Amend HB 728 by striking all below the enacting clause and substituting the following:

Section 1. The Texas Probate Code is amended by adding a Section 37A to read as follows:

"Section 37A. Means of Evidencing Disclaimer or Renunciation of Property or Interest Receivable from a Decedent Under a Will or by Inheritance by a Person Who is Competent.

"Any person who may be entitled to receive any property under any will of or by inheritance from a decedent and who intends to effect disclaimer irrevocably of the whole or any part of such property shall evidence same as herein provided. A disclaimer evidenced as provided herein, shall be effective as of the death of decedent and the property subject thereof shall pass as if the person disclaiming had predeceased the decedent unless decedent's will provides otherwise. Failure to comply with the provisions hereof shall render such disclaimer ineffective except as an assignment of such property to those who would have received same had the person attempting the disclaimer died prior to the decedent. The term 'property' as used in this section shall include all legal and equitable interests, powers, and property, whether present or future, whether vested or contingent, and whether beneficial or burdensome, in whole or in part. The term 'disclaimer' as used in this section shall include 'renunciation.'

The following shall apply to such disclaimers:

"(a) Written Memorandum of Disclaimer and Filing Thereof. In the case of property receivable under a will or by inheritance, the disclaimer shall be evidenced by a written memorandum, acknowledged before a notary public or other person authorized to take acknowledgments of conveyances of real estate and filed not later than six months after death of decedent in the probate court in which decedent's will has been probated or in which administration of decedent's estate is pending or which has before it an application for either of same; provided, however, if there has been no will of decedent probated or filed for probate nor any administration or application for administration of decedent's estate within six months of decedent's death, such disclaimer shall be filed with the county clerk of the county of decedent's residence, if decedent be a resident of this state, or in a county in which decedent owned real property at the time of death, if decedent was not a resident of this state, and recorded by such county clerk in the deed records of that county. The time to file and serve a disclaimer may be extended by order entered at the discretion of the probate court having jurisdiction over the estate of the decedent on a petition to such probate court by the person so disclaiming filed before or after the expiration of six months after death showing to the satisfaction of such court reasonable cause for such extension and on notice to such persons and in such manner as the probate court may direct, but in no event may such petition be filed after the expiration of nine months from the death of decedent.

"(b) Notice of Disclaimer. In the event that a personal representative of a decedent is qualified and acting, copies of any written memorandum of disclaimer shall be served by registered or certified mail or in such other manner as the probate court may direct: (1) upon any qualified and acting personal representative of decedent or, if none, but application for appointment of such a representative be pending, upon any applicant seeking probate of decedent's will or administration of decedent's estate; and, (2) upon all legatees, devisees, beneficiaries and heirs-at-law of decedent other than the person disclaiming whose names and addresses are set forth in the petition for letters testamentary or letters of administration or, if no application be filed, whose names and addresses are known to or are by reasonable inquiry ascertainable by the person

disclaiming, but service of such written memorandum shall not be required upon more than four of such persons in any event.

"(c) Power of Testator to Provide for Disclaimer. Nothing herein shall prevent a testator from providing in a will for the making of disclaimers by legatees, devisees and beneficiaries and for the disposition of disclaimed property in a manner different from the provisions hereof.

"(d) Revocation of Disclaimer. Any disclaimer filed and served under this section may be revoked by the person who has so disclaimed only when permitted by order entered by the probate court having jurisdiction over the estate of the decedent. An application for such revocation shall be made to such probate court on a petition by the disclaiming person, or, if the person having disclaimed has since died or become incompetent, then by the duly appointed and qualified personal representative of such person when so authorized by the court having jurisdiction of the estate of the incompetent or person who has died after such disclaimer. Applicant shall show such probate court reasonable cause for the revocation at a hearing held after notice to such persons and in such manner as the probate court may direct. Any petition for revocation shall be filed within nine months after decedent's death and not thereafter.

"(e) Partial Disclaimer. Any person who may be entitled to receive any property under any will of or by inheritance from a decedent may disclaim such property in whole or in part, and a partial disclaimer or renunciation, in accordance with the provisions of this section, shall be effective whether the property so renounced or disclaimed constitutes a portion of a single, aggregate gift or constitutes part or all of a separate, independent gift; provided, however, that a partial disclaimer shall be effective only with respect to property expressly described or referred to by category in such disclaimer, and provided further, that a partial disclaimer of property which is subject to a burdensome interest created by the decedent's will shall not be effective unless such property constitutes a gift which is separate and distinct from undisclaimed gifts.

"(f) Disclaimer After Acceptance. No disclaimer shall be effective after the acceptance of the property by the heir, legatee, devisee, or beneficiary. For the purpose of this section, acceptance shall occur only if the person making such disclaimer has previously taken possession or exercised dominion and control of such property in the capacity of heir, legatee, devisee, or beneficiary."

Sec. 2. The fact that the present law of the State of Texas relating to the disclaimer of property under any will of or by inheritance from a decedent is vague and unclear creates an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act shall take effect to be enforced from and after its passage, and it is so enacted.

The amendment was adopted without objection.

HB 728, as amended, was passed to engrossment.

HB 825 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 825, Prohibiting members of the State Banking Board from being indebted to or holding an interest in a state bank.

The bill was read second time and was passed to engrossment.

HB 842 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 842, Authorizing certain water districts to develop water resources and/or acquire and improve water resources and land areas for public recreation.

The bill was read second time.

Mr. Foreman offered the following committee amendment to the bill:

Committee Amendment No. 1

The following sentence is to be added at the end of Section 7:

Nothing contained in this Act shall authorize any fee or charge for boat inspection, fishing or other activity on the waters of the state, or the exercise of the power of eminent domain.

The committee amendment was adopted without objection.

HB 842, as amended, was passed to engrossment.

(Mr. Finnell in the Chair)

HB 909 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 909, Relating to discriminatory action by state or local government officers or employees.

The bill was read second time and was passed to engrossment.

HB 920 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 920, Relating to driving to the left side of a roadway when there is a line of standing vehicles awaiting access to a public ferry.

The bill was read second time.

Mr. Aubry Moore offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 920, First Official House Printing, by striking out the phrase "behind a standing line of vehicles in Line 26."

The committee amendment was adopted without objection.

HB 920, as amended, was passed to engrossment.

HB 1096 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1096, Providing for a referendum on the question of authorizing the use of state funds for the benefit of private and parochial primary and secondary schools.

The bill was read second time and was passed to engrossment.

VOTES RECORDED

Representatives Short, Joe Hanna, Rosson, and Clayton requested to be recorded as voting Nay on passage to engrossment of HB 1096.

SB 703 ON SECOND READING (Mr. Clayton—House Sponsor)

The Chair laid before the House, in lieu of HB 1298, on its second reading and passage to third reading,

SB 703, Relating to the reproduction by microfilming of certain records by district clerks.

The bill was read second time and was passed to third reading.

VOTE RECORDED

Mr. Poff requested to be recorded as voting Nay on passage to third reading of SB 703.

HB 1298—LAID ON THE TABLE SUBJECT TO CALL

Mr. Clayton moved that HB 1298 be laid on the table subject to call.

There was no objection offered and it was so ordered.

HB 1417 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1417, Relating to the penalty for wilfully taking, diverting, appropriating, or using water of the state without certain permission.

The bill was read second time.

Mr. Silber offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1417 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Section 5.082, Water Code, is amended to read as follows:

"Section 5.082. Unlawful Use: Civil Penalty. (a) A person who wilfully takes, diverts, or appropriates state water without complying with the applicable requirements of this chapter is also liable to a penalty of not to exceed \$100 per day for each day he continues the taking, diversion, or appropriation.

(b) The state may recover the penalties prescribed in Subsection (a) of this section by suit brought for that purpose in a court of competent jurisdiction.

(c) An action to collect the penalty provided in this section must be brought within one year from the date the complaint is filed with the commission."

Section 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Finck offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 1417 by striking quoted Subsection (c) and substituting the following:

"(c) An action to collect the penalty provided in this section must be brought within one year from the date of the alleged violation."

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

HB 1417, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Joe Hanna, Rosson, Nabers, Adams, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1417.

(Mr. Orr in the Chair)

HB 1542 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1542, Relating to the creation of water districts under the general law.

The bill was read second time and was passed to engrossment.

HB 1582 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1582, Relating to allowing private banks doing business in this state to apply and be accepted as state depositories.

The bill was read second time and was passed to engrossment.

VOTES RECORDED

Representatives Nabers, Adams, Poff, Kaster, and Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1582.

HB 1584 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1584, Relating to defining certain deceptive practices in the conduct of any trade or commerce.

The bill was read second time and was passed to engrossment.

VOTE RECORDED

Mr. Doran requested to be recorded as voting Nay on passage to engrossment of HB 1584.

HB 1703 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1703, Exempting certain judicial retirement payments and rights from state, county, and municipal tax, etc.

The bill was read second time and was passed to engrossment.

VOTE RECORDED

Mr. Clayton requested to be recorded as voting Nay on passage to engrossment of HB 1703.

HB 1722 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1722, Relating to the compensation of the District Attorney of the 105th Judicial District.

The bill was read second time.

Mr. Craddick offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend to read "142nd Judicial District" on line 10 in place of "105th Judicial District;" and in all places thereafter where the bill presently reads "105th Judicial District."

The committee amendment was adopted without objection.

HB 1722, as amended, was passed to engrossment.

HB 1748 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1748, Relating to the removal, alteration or obliteration of a manufacturer's identification number from certain personal property and possession of such personal property.

The bill was read second time and was passed to engrossment.

HB 1863 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1863, Creating Montgomery County Municipal Utility District No. 9 in Montgomery County.

The bill was read second time.

Mr. Solomon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1863 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Montgomery County, Texas, to be known as Montgomery County Municipal Utility District No. 9, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Montgomery County, Texas and being 552.154 acres, more or less out of the Thos. Corner Survey, A-10, Wm. C. Clark Survey, A-6, and Wm. Atkins Survey, A-3 and more particularly described as follows, to-wit:

Beginning at N.W. Corner of Dan H. Madeley tract in northwest line of Corner Survey as recorded in Vol. 201, Pg. 277, M.C.D.R. said Corner being 216.67 feet northeast from the most westerly corner of said Thos. Corner Survey, this also being the northerly corner of a 17.1 acre tract described in deed to C. E. Stanley dated 7-14-43 and recorded in Vol. 236, Page 240, of M.C.D.R.;

Thence S. 44° 03' 52" E., 3489.53 feet with northeast line of said 17.1 acres to post for its most easterly corner;

Thence S. 45° 48' 09" W., at 216.67 feet pass most southerly corner of said 17.1 acre tract and continue on in all 991.06 feet to post for corner;

Thence S. 01° 11' 05" W., 166.86 feet to point for corner in proposed water line of Lake Conroe;

Thence along said water line of Lake Conroe as follows:

S. 74°01'17" E., 48.47 feet;
S. 61°10'47" E., 169.17 feet;
S. 43°34'49" E., 146.15 feet;
S. 59°51'49" E., 168.66 feet;
S. 76°07'10" E., 88.42 feet;
N. 67°28'11" E., 123.96 feet;
N. 25°34'47" E., 121.40 feet;
N. 29°14'18" E., 143.64 feet;
N. 21°50'17" E., 131.69 feet;
N. 74°30'23" E., 17.57 feet;
S. 00°23'05" W., 192.28 feet;
S. 21°34'52" E., 190.98 feet;
S. 25°52'08" E., 124.63 feet;
S. 17°51'35" E., 176.83 feet;
S. 26°14'09" E., 86.61 feet;
S. 35°20'36" E., 86.33 feet;
S. 74°36'15" E., 70.69 feet;
N. 89°05'55" E., 74.61 feet;
N. 85°23'14" E., 106.78 feet;
S. 81°03'52" E., 110.63 feet;
S. 22°20'45" W., 87.00 feet;
S. 32°18'07" W., 84.63 feet;
S. 30°41'53" W., 80.15 feet;

S. 30°28'51" W., 88.22 feet;
S. 11°48'25" W., 93.16 feet;
S. 09°10'51" E., 106.40 feet;
S. 12°13'07" E., 138.51 feet;
S. 20°07'14" E., 122.14 feet;
S. 29°19'43" E., 112.08 feet;
S. 42°13'34" E., 190.82 feet;
S. 37°31'02" E., 84.13 feet;
S. 59°19'26" E., 268.99 feet;
S. 52°08'26" E., 310.78 feet;
S. 53°58'54" E., 170.09 feet;
S. 41°08'25" E., 117.79 feet;
S. 31°05'32" E., 97.15 feet;
S. 58°30'25" E., 95.15 feet;
N. 73°45'39" E., 105.49 feet;
N. 08°13'23" E., 100.94 feet;
N. 07°31'00" E., 224.30 feet;
N. 00°19'22" E., 120.52 feet;
N. 21°25'36" E., 74.66 feet;
N. 14°49'17" E., 68.38 feet;
N. 07°15'52" E., 57.55 feet;
N. 05°12'59" W., 93.27 feet;
N. 34°34'16" E., 54.12 feet;
N. 49°38'30" E., 48.93 feet;
S. 65°42'26" E., 124.62 feet;
S. 41°38'08" W., 94.26 feet;
S. 04°43'35" W., 148.15 feet;
S. 00°37'35" W., 114.43 feet;
S. 11°22'47" E., 191.72 feet;
S. 39°48'55" E., 226.64 feet;
S. 27°55'40" E., 127.98 feet;
S. 18°06'03" E., 148.11 feet;
S. 31°50'32" E., 70.51 feet;
S. 62°20'57" E., 98.02 feet;
S. 65°51'40" E., 104.35 feet;
S. 70°58'41" E., 137.46 feet;
S. 58°35'12" E., 81.19 feet;
S. 65°19'28" E., 79.03 feet;
S. 75°32'41" E., 78.32 feet;
S. 70°51'39" E., 145.08 feet;
S. 62°19'24" E., 117.50 feet; to point for corner in north fence line of a Church tract;

Thence N. 89° 41' 18" E., 194.90 feet with said fenced north line of Church tract to an iron pipe for corner;

Thence S. 27° 58' 42" E., 112.3 feet to an iron pipe for corner in north fence line of lower Willis-Montgomery Road;

Thence N. 65° 58' 17" E., 109.16 feet with said fence line to point for corner in a private Road;

Thence N. 04° 30' 00" W., 3635.55 feet with said private Road to point for corner.

Thence N. 89° 53' 19" W., 658.89 feet to an iron pipe for corner;

Thence N. 00° 06' 41" E., 2079.41 feet with east right-of-way of Gulf States Utility Co. Hi-Line to point for corner;

Thence N. 31° 29' 33" W., 26.59 feet to point for corner in proposed water line of Lake Conroe;

Thence along said water line of Lake Conroe as follows:

N. 79°22'13" W., 95.46 feet;
N. 27°22'06" E., 37.66 feet;
N. 00°09'22" E., 114.42 feet;
N. 12°33'57" E., 442.32 feet;
N. 11°07'08" E., 198.72 feet;
N. 08°53'43" W., 105.66 feet;
N. 09°11'21" E., 94.18 feet;
N. 10°08'36" W., 117.25 feet;
N. 17°35'59" W., 61.68 feet;
N. 44°49'36" W., 139.72 feet;
N. 55°21'30" W., 152.37 feet;
N. 69°13'45" W., 201.66 feet;
N. 79°17'12" W., 156.33 feet;
S. 74°18'40" W., 81.18 feet;
S. 48°07'36" W., 161.20 feet;
S. 25°09'37" W., 83.72 feet;
S. 35°20'56" W., 66.14 feet;
S. 31°40'28" W., 101.08 feet;
N. 50°26'31" W., 68.06 feet;
S. 31°21'25" W., 93.50 feet;
N. 75°31'01" W., 27.98 feet;
N. 08°15'28" E., 140.82 feet;
N. 27°09'19" W., 132.41 feet;
N. 32°14'07" W., 124.03 feet;
N. 31°48'04" W., 93.75 feet;
N. 44°12'00" W., 156.68 feet;
N. 65°10'59" W., 127.40 feet;
S. 83°49'25" W., 93.80 feet;
N. 59°49'08" W., 129.07 feet;
S. 43°33'27" W., 59.54 feet;
S. 62°16'19" W., 65.30 feet;
S. 73°50'31" W., 154.03 feet;
N. 55°15'28" E., 108.67 feet;
N. 57°44'31" E., 90.24 feet;
N. 15°11'01" E., 60.49 feet;
N. 25°52'44" E., 52.39 feet;
N. 08°44'59" E., 198.42 feet;
N. 00°03'29" E., 150.41 feet;
N. 13°59'42" W., 97.35 feet;
N. 33°36'14" W., 103.50 feet;
N. 46°00'18" W., 80.31 feet;
N. 55°27'07" W., 93.70 feet;
N. 64°01'14" W., 78.46 feet;
N. 88°22'41" W., 130.63 feet;
S. 79°24'57" W., 194.19 feet;
S. 72°16'39" W., 79.31 feet;
S. 66°41'04" W., 170.58 feet;
S. 57°29'29" W., 79.03 feet;

S. 57°55'28" W., 98.63 feet;
S. 51°59'34" W., 149.11 feet;
S. 45°28'30" W., 168.85 feet;

Thence

S. 44°43'29" W., 114.60 feet;
S. 36°22'07" W., 181.31 feet;
S. 30°09'40" W., 142.15 feet;
S. 63°06'16" W., 155.32 feet;
N. 84°25'18" W., 94.46 feet;
N. 20°59'09" W., 69.65 feet;
S. 49°58'34" W., 91.04 feet;
S. 53°06'33" W., 69.30 feet;
N. 27°18'36" E., 82.74 feet;
N. 35°20'57" E., 80.38 feet;
N. 12°55'21" E., 76.98 feet;
N. 00°23'26" W., 79.95 feet;
N. 08°28'51" W., 210.96 feet;
N. 35°59'40" W., 77.60 feet; to point for corner in northwest line of
Dan H. Madeley tract, same being northwest line of Thos. Corner Survey;

Thence S. 44° 27' 00" W., 2120.54 feet with said northwest line of Corner Survey to the Place of Beginning and containing 552.154 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Joe P. Waddill
John Albert Madley
Dan H. Madley
Alton Keith Stewart, Jr.
Milton Keith Stewart, Jr.

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above

named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The committee amendment was adopted without objection.

HB 1863, as amended, was passed to engrossment.

HB 1864 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment.

HB 1864, Creating Ingleside Cove Wildlife Sanctuary.

The bill was read second time and was passed to engrossment.

SB 4 ON SECOND READING (Mr. Williamson—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 4, Relating to the creation of the the Texas Civil Air Patrol Commission.

The bill was read second time and was passed to third reading.

SB 189 ON SECOND READING (Mr. Nabers—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 189, Authorizing school districts to contract with other school dis-

tracts or with public or private post-secondary education institutions and trade, etc., schools for vocational classes.

The bill was read second time and was passed to third reading.

(Mr. Blanton in the Chair)

SB 397 ON SECOND READING
(Mr. Salter—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 397, Exempting from ad valorem taxation any land owned by non-profit corporations and used solely as ecological laboratories by Texas colleges and universities.

The bill was read second time and was passed to third reading.

VOTE RECORDED

Mr. Clayton requested to be recorded as voting Nay on passage to third reading of SB 397.

HB 1042—MOTION TO RECONSIDER AND
SPREAD ON THE JOURNAL

Mr. Adams moved to reconsider and spread on the Journal the vote by which HB 1042 failed to pass to engrossment on May 22.

CONSIDERATION OF BILLS ON THE LOCAL
AND CONSENT CALENDAR—(continued)

SB 520 ON SECOND READING
(Mr. Price—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 520, Authorizing the Department of Mental Health and Mental Retardation to sell to the City of Rusk all of the state's interest in and to a certain tract of land in Cherokee County which was set aside to the Rusk State Hospital.

The bill was read second time.

Mr. McKissack offered the following committee amendment to the bill:

Committee Amendment No. 1:

Amend SB 520 by striking all below the enacting clause and placing in lieu thereof the following:

"Section 1. By this Act, the Legislature of the State of Texas for and in consideration of the benefit to the public health, safety, and welfare, which is hereby declared and determined to be adequate with consideration, hereby grants, sells and conveys and by this Act does grant, sell and convey to the City of Rusk, an incorporated city situated in Cherokee County, Texas, the following described property:

Being 487.33 acres of land, more or less, being the residue of the 671 acres, more or less, in the Wm. Bartee League, State Abstract No. 3 in Cherokee County, Texas, which is more fully described in a Deed from C. B. Raines, Sr. to the State of Texas, dated March 15, 1876, of record in Vol. H-2, Page 362, et seq. of the Deed Records of Cherokee County, Texas, said 671 acres, more or less, being a part of the property included in the 1929.79 acres set aside to the Rusk State Hospital by the State Board of Control in Corrected Resolution and Deed dated December 4th., 1929, filed for record on December 9th., 1929, and recorded in Vol. 139, page 426, et seq. of the Deed Records of Cherokee County, Texas, and the residue of said 671 acres, more or less, being described by metes and bounds as follows, to-wit:

Beginning at a concrete marker with brass cap in top stamped BCIC 18—1969, from which a 9" Elm bears S. 32° W. 4.1 feet, a 13" Sand Jack bears N. 80° W. 26.3 feet, and a 4" Hickory bears N. 74° . . 12.8 feet, said corner being the Easternmost Northeast corner of said 671 acre tract and in the West boundary line of a 488.8 acre tract described in Deed to The State of Texas, dated April 9, 1877, recorded in Vol. H-2, page 174 of the Deed Records of Cherokee County, Texas, said beginning corner being South 01° 09' 47" East 2027.03 feet and South 88° 11' 13" West 2178.99 feet and South 01° 23' 44" East 4195.73 feet from the Northeast corner of said Wm. Bartee League;

Thence South 01° 23' 44" East with the East boundary line of the 671 acre tract and the West boundary line of said 488.8 acre tract a distance of 3810 feet to a point for corner in the North boundary line of a tract of 83.63 acres described in a Deed from the State Board of Control to the Valencia Iron & Chemical Corporation, dated August 11, 1948, of record in Vol. 321, Page 201, of the Deed Records of Cherokee County, Texas;

Thence South 88° 37' 36" West with the North boundary of said 83.63 acre tract a distance of 1209.00 feet to a concrete marker with brass cap on top stamped Sheffield Steel 1774-4, same being the Southeast corner of the 28.9 acres described in Deed from Rusk State Hospital to the Cherokee Development Company, dated November 4, 1964, of record in Vol. 357, Page 581 of the Deed Records of Cherokee County, Texas;

Thence North 01° 59' 57" West with the East boundary line of said 28.9 acre tract a distance of 619.86 feet to its Northeast corner, a concrete marker with brass cap in top stamped Sheffield Steel 1774-5 for corner;

Thence South 88° 44' 44" West with the North boundary line of said 28.9 acre tract a distance of 1940.39 feet to its Northwest corner, a concrete marker with brass cap in top stamped Sheffield Steel 1774-2 for corner;

Thence South 10° 29' 00" West with the West boundary line of said 28.9 acre tract a distance of 649.90 feet to its Southwest corner, same being an ell corner of the 671 acre tract, a concrete marker with brass cap in top stamped Sheffield Steel 1774-1 and 1777-1 for corner;

Thence South 04° 24' 04" East with an East boundary line of said 671 acre tract a distance of 162.08 feet to the North right-of-way line of the Cotton Belt Railroad, a concrete marker with a brass cap in top stamped Sheffield Steel 1777-13 for corner;

Thence with the North right-of-way line of said Railroad as follows: North 58° 48' 53" West 1643.65 feet to a concrete marker with brass cap in top stamped BCIC 12-1969, North 59° 43' 26" West 172.12 feet to a concrete marker with brass cap in top stamped BCIC 13-1969, North 62° 05' 55" West 200.87 feet to a concrete marker with brass cap in top stamped BCIC 14-1969, North 69° 42' 25" West 179.41 feet to the intersection of said North railroad right-of-way line with the West boundary line of said 671 acre tract of land, a concrete marker with brass cap in top stamped BCIC 15-1969 for corner;

Thence North 01° 07' 40" West with the West boundary line of said 671 acre tract a distance of 3728.20 feet to its Northwest corner, a concrete marker with a brass cap in top stamped BCIC 16-1969 for corner;

Thence North 88° 54' 02" East with the North boundary line of said 671 acre tract a distance of 4148.85 feet to the Northernmost Northeast corner of said 671 acre tract of land, same being an ell or inside corner of the Sheffield 50 acre tract, a concrete marker with brass cap in top stamped Sheffield Steel 1790-7 for corner, from which a 27" Post Oak bears S. 76° W. 28.1 feet;

Thence South 00° 35' 17" East with an East boundary line of said 671 acre tract and a West boundary line of said Sheffield tract a distance of 815.15 feet to the Southwest corner of said Sheffield tract, being an ell or inside corner of said 671 acre tract, a concrete marker with a brass cap in top stamped BCIC 17-1969 for corner, from which a 7" Post Oak bears S. 60° W. 21.4 feet and an 11" Pine bears N. 44° W. 14.8 feet;

Thence South 88° 35' 38" East with the South boundary line of said Sheffield tract a distance of 1001.00 feet to the place of beginning and containing 487.33 acres of land, more or less.

Section 2. The land herein conveyed is to be used by the City of Rusk for public park and/or recreational purposes. If such land should be traded by the City of Rusk for other land such other land shall be used for the same purposes. If the land herein conveyed should be traded for other land, the conditions of this section shall not run with the land herein conveyed but shall attach to the land received from any such trade by the City of Rusk. In case of such trade, the land herein conveyed in the hands of a third party shall be free and clear of the conditions of this section.

Section 3. A copy of this Act, duly certified by the Secretary of State may be filed of record by the county clerk in the Deed Records of Cherokee County.

Section 4. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted."

The committee amendment was adopted without objection.

SB 520, as amended, was passed to third reading.

SB 529 ON SECOND READING

(Mr. Adams—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 529, Relating to the authority of the presiding judge of the Court of Criminal Appeals in certain appointments.

The bill was read second time and was passed to third reading.

SB 561 ON SECOND READING

(Mr. Joe Allen—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 561, Relating to the authorization for school districts to conduct special education classes for deaf children.

The bill was read second time and was passed to third reading.

SB 607 ON SECOND READING

(Mr. Foreman—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 607, Relating to The Certificate of Obligation Act of 1971.

The bill was read second time and was passed to third reading.

SB 718 ON SECOND READING

(Mr. McKissack—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 718, Amending the Texas Liquor Control Act, enabling salvaging insured losses of alcoholic beverages for qualified permittees or licensees.

The bill was read second time.

Mr. McKissack offered the following amendments to the bill:

Amend Section 1 of SB 718, in the seventh paragraph of the therein-quoted Article 666-58, by striking the period following the term, "salable condition," substituting in lieu thereof a semicolon, and inserting the following:

"provided, however, that no Nonresident Seller or Manufacturer's Agent acting either in this capacity or in any other, shall be authorized to represent any person, persons, or legal entity other than the primary source of supply for the alcoholic beverage involved within the United States."

Amend SB 718 by striking all above the enacting clause and substituting in lieu thereof the following:

A bill to be entitled An Act relating to the disposition or sale of alcoholic beverages by insurers or insurance salvors in the salvage or liquidation of certain insured damages or losses; defining the authority of certain permittees; amending Article I of the Texas Liquor Control Act by adding a new Section 58; and declaring an emergency.

The amendments were severally adopted without objection.

SB 718, as amended, was passed to third reading.

VOTES RECORDED

Representatives Short, Joe Hanna, Rosson, Nabers, Cobb, Clayton, and Kubiak requested to be recorded as voting Nay on the passage to third reading of SB 718.

SB 811 ON SECOND READING (Mr. Harris—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 811, Relating to the creation and operation of Health Districts by the commissioners court.

The bill was read second time and was passed to third reading.

VOTE RECORDED

Mr. Poff requested to be recorded as voting Nay on the passage to third reading of SB 811.

SB 919 ON SECOND READING (Mr. Harding—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 919, Authorizing the Parks and Wildlife Commission to designate a representative to act as State Liaison Officer.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Representatives Jungmichel and Cavness requested to be recorded as voting Nay on passage to third reading of SB 919.

(Mr. Spurlock in the Chair)

SB 928 ON SECOND READING (Mr. Kaster—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 928, Authorizing the Board of Vocational Nursing Examiners to delegate the power to hold the Vocational Nursing Examination.

The bill was read second time and was passed to third reading.

SB 941 ON SECOND READING
(Mr. McKissack—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 941, Relating to the legality of the pool system for private clubs operating on the premises of certain professional sport stadiums.

The bill was read second time.

Mr. McKissack offered the following amendments to the bill:

Amend SB 941 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Subsection 1, Section 15(e), Article I, Texas Liquor Control Act, as amended (Article 666-15(e), Vernon's Texas Penal Code), is amended by adding a Subdivision (c-1) to read as follows:

"(c-1) Notwithstanding any other provision of this Act, the pool system shall be legal for any private club operating on the premises of a professional sports stadium which is used wholly or partly for professional sporting events and which has a seating capacity of 40,000 or more, and on the premises of a multiple-unit residential dwelling or dwelling complex having 750 or more units in a county having a population of not less than 1,000,000 nor more than 1,500,000 according to the last preceding federal census.

"Sec. 2. As used in this Act, 'the last preceding federal census' means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes.

"Sec. 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

"Sec. 4. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

Amend SB 941 by striking all above the enacting clause and substituting in lieu thereof the following:

A bill to be entitled An Act relating to the legality of the pool system for private clubs operating on the premises of certain professional sport stadiums, and in certain multiple-unit residential dwellings or dwelling complexes; amending Subsection 1, Section 15(e), Article I, Texas Liquor Control Act, as amended (Article 666-15(e), Vernon's Texas Penal Code); providing for severability; and declaring an emergency.

The amendments were severally adopted without objection.

SB 941, as amended, was passed to third reading.

VOTES RECORDED

Representatives Hendricks, Beckham, Short, Joe Hanna, Rosson, Nabers, Wieting, Adams, Kubiak, Salter, Cobb, Clayton, Cavness, Grant Jones, and Finnell requested to be recorded as voting Nay on the passage to third reading of SB 941.

SB 942 ON SECOND READING (Mr. Presnal—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 942, Relating to instruction in the field of marine resources at certain institutions of higher education.

The bill was read second time.

Mr. Presnal offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 942 by adding the following sentence at the end of Section 1A:

"Such courses must have the prior approval of the Coordinating Board, Texas Colleges and University Systems."

The committee amendment was adopted without objection.

SB 942, as amended, was passed to third reading.

SB 557 ON SECOND READING (Mr. Salter—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 557, Requiring notices of a meeting by certain governmental bodies to be posted in their administrative offices, the State Capitol, etc.

The bill was read second time and was passed to third reading.

SB 967 ON SECOND READING (Mr. John Hannah—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 967, Including the waters of Lake Livingston, located in Polk, Trinity, Walker, and San Jacinto Counties, under the provisions of the Uniform Wildlife Regulatory Act.

The bill was read second time.

Mr. Carl Parker raised the following point of order against further consideration of the bill:

On May the 17th, 1971, Parks and Wildlife Committee convened at 7:30 p.m. with six members present, the Vice-Chairman in Chair. Six members suspended the rules to consider SB 967. After hearing the testimony six members of the Committee passed the SB 967 out of Committee.

Never at any time during the entire meeting was there a quorum present.

Members present at the time of vote were Lovell, Hendricks, Foreman, Stroud, Kubiak, and Calhoun.

The Chair overruled the point of order.

SB 967 was passed to third reading.

SB 327 ON SECOND READING
(Mr. Carl Parker—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 327, Relating to refusing, revoking, suspending and reinstating licenses to practice chiropractic; relating to the use of ionizing radiation.

The bill was read second time.

Mr. Coats offered the following amendment to the bill:

Amend SB 327, Section 14a, Subsection 17 to read as follows:

Advertising in any publication, news media or mail-out except for announcement-type ads necessary for routine functioning of a chiropractic office or public service information under the auspices of chiropractic organizations recognized by the Texas Board of Chiropractic Examiners.

Mr. Carl Parker moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—92

Allen, Joe	Atwell	Bass, B.	Braun
Allen, John	Atwood	Beckham	Burgess
Angly	Baker	Bigham	Bynum

Caldwell	Harris	McKissack	Semos
Carrillo	Hawkins	Moore, A.	Shannon
Cavness	Hawn	Moore, G.	Sherman
Clayton	Haynes	Moore, T.	Short
Cobb	Head	Nelms	Silber
Cole	Hilliard	Neugent, D.	Smith
Daniel	Holmes, T.	Nichols	Solomon
Davis, H.	Hubenak	Niland	Stewart
Denton	Ingram	Nugent, J.	Stroud
Doran	Johnson	Ogg	Swanson
Doyle	Jungmichel	Orr	Tarbox
Earthman	Kaster	Parker, C.	Traeger
Farenthold	Kilpatrick	Parker, W.	Truan
Finney	Kost	Pickens	Tupper
Foreman	Kubiak	Poerner	Uher
Garcia	Lemmon	Price	Vale
Golman	Lewis	Rosson	Ward
Grant	Ligarde	Salem	Wieting
Graves	Lombardino	Salter	Williams
Hale	Lovell	Sanchez	Wyatt

Nays—37

Agnich	Craddick	Hull	Reed
Bass, T.	Davis, D.	Jones, E.	Santiesteban
Blanton	Dramberger	Lee	Simmons
Blythe	Finck	McAlister	Slack
Bowers	Finnell	Mengden	Slider
Boyle	Floyd	Murray	Von Dohlen
Braecklein	Harding	Nabers	Wolff
Calhoun	Heatly	Newton	
Clark	Hendricks	Poff	
Coats	Howard	Presnal	

In The Chair

Spurlock

Absent

Adams	Cruz	Jones, G.	Patterson
Allred	Hanna, Joe	Longoria	Rodriguez
Cates	Hannah, John	Moncrief	Schulle
Christian	Jones, D.	Moreno	Williamson

Absent-Excused

Gammage	Holmes, Z.	Wayne
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Mr. Coats offered the following amendment to the bill:

Amend SB 327, Section 14a, Subsec. 18 by placing a period after the word "specialist" and deleting the remainder of said subsection.

Mr. Carl Parker moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—107

Adams	Finney	Lemmon	Salem
Allen, John	Floyd	Lewis	Sanchez
Angly	Foreman	Ligarde	Schulle
Atwell	Garcia	Lombardino	Semos
Baker	Golman	Longoria	Shannon
Bass, B.	Grant	Lovell	Sherman
Beckham	Graves	McAlister	Short
Bigham	Hale	McKissack	Silber
Braecklein	Harding	Moncrief	Simmons
Braun	Harris	Moore, A.	Slider
Burgess	Hawkins	Moore, G.	Smith
Caldwell	Hawn	Moreno	Solomon
Carrillo	Haynes	Nabers	Stewart
Cates	Head	Nelms	Stroud
Cavness	Hendricks	Neugent, D.	Swanson
Christian	Hilliard	Nichols	Tarbox
Clayton	Holmes, T.	Niland	Traeger
Cobb	Hubenak	Nugent, J.	Truan
Craddick	Hull	Ogg	Tupper
Daniel	Ingram	Orr	Uher
Davis, H.	Johnson	Parker, C.	Vale
Denton	Jones, D.	Patterson	Ward
Doran	Jungmichel	Pickens	Wieting
Doyle	Kaster	Poerner	Williams
Earthman	Kilpatrick	Presnal	Williamson
Finck	Kost	Price	Wyatt
Finnell	Kubiak	Rosson	

Nays—21

Agnich	Calhoun	Heatly	Reed
Bianton	Coats	Howard	Von Dohlen
Blythe	Davis, D.	Murray	Wolff
Bowers	Dramberger	Newton	
Boyle	Farenthold	Parker, W.	
Bynum	Hanna, Joe	Poff	

In The Chair

Spurlock

Absent

Allen, Joe	Cole	Lee	Santiesteban
Allred	Cruz	Mengden	Slack
Atwood	Hannah, John	Moore, T.	
Bass, T.	Jones, E.	Rodriguez	
Clark	Jones, G.	Salter	

Absent-Excused

Gammage	Holmes, Z.	Wayne
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Mr. Coats offered the following amendment to the bill:

Amend HB 131 by adding a new paragraph 19 to read as follows:

Advertising on Yellow Pages of telephone directories except for name, address, telephone number, county, state or national chiropractic affiliations, excluding institutional advertising under the auspices of chiropractic organizations recognized by the Texas Board of Chiropractic Examiners.

Mr. Carl Parker raised a point of order against further consideration of the amendment on the grounds that it is not properly drawn.

The Chair sustained the point of order.

SB 327 was passed to third reading.

VOTES RECORDED

Representatives Dee Jon Davis and Poff requested to be recorded as voting Nay on passage to third reading of SB 327.

SB 513 ON SECOND READING (Mr. Floyd—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 513, Relating to discharge of municipal sewage which does not meet certain standards into open ponds whose surface area covers more than one acre.

The bill was read second time.

Mr. Floyd offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 513, House First Printing, by striking all below the enacting clause and substituting the following:

Section 1. Definitions. In this Act:

"Municipal sewage" means any waterborne liquid, gaseous, or solid substances that are discharged from a publicly owned sewer system, waste treatment facility, or waste disposal system.

Section 2. Prohibition. No municipal corporation with a population of not less than 400,000 nor more than 800,000 according to the last preceding Federal census, may discharge any municipal sewage into any open pond, the surface area of which pond covers more than 100 acres, if the discharge will cause or result in a nuisance. The Texas Water Quality Board, acting with the Texas Air Control Board and the Texas State Department of Health, shall take periodic inspections of such ponds as necessary, but at least once every year, and shall ascertain whether such pond is causing or will cause or result in a nuisance.

If the Texas Water Quality Board, acting in accord with the Texas Air Control Board and the Texas State Department of Health, shall ascertain that the maintenance of such pond creates or continues a nuisance, it shall advise the municipal corporation making such discharge and shall allow such municipal corporation adequate time to abate such nuisance.

Section 3. Penalty. (a) Any municipal corporation with a population of not less than 400,000 nor more than 800,000 which fails to abate a nuisance pursuant to a directive of the Texas Water Quality Board as provided in Section 2 above, within a reasonable time after notification of such failure by the Texas Water Quality Board, shall be liable to a civil penalty of not more than \$1,000 a day for each day that it maintains such a nuisance.

(b) The Attorney General shall institute suit in district court in the county in which the alleged nuisance exists to collect the penalty described by the Act.

Section 4. Effective date. This Act takes effect on September 1, 1971.

Section 5. Emergency. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended.

The committee amendment was adopted without objection.

SB 513, as amended, was passed to third reading.

VOTE RECORDED

Mr. Dramberger requested to be recorded as voting Nay on passage to third reading of SB 513.

SB 620 ON SECOND READING (Mr. Sanchez—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 620, Prohibiting a person to kill, etc., wild animals, birds, etc., in state parks, forts or historic sites under the Parks and Wildlife Department jurisdiction.

The bill was read second time and was passed to third reading.

SB 838 ON SECOND READING (Mr. Bigham—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 838, Validating, etc., contracts, scrip warrants, etc., authorized by counties or cities (including home-rule cities) or towns.

The bill was read second time.

Mr. Traeger offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend SB 838 by adding the following section between the present Section 3 and Section 4 of the bill, and renumbering the present Sections 4, 5, and 6:

Sec. 4. In every instance where the County Court or Commissioners Court in any county of this state acting as such court has leased or attempted to lease a nursing home or an interest therein belonging to said county to any person, firm, or corporation, and where the County Court or Commissioners Court has made, executed, and delivered to any such person, firm, or corporation an instrument purporting to lease such nursing home, and where the lessee or his successors has enlarged or developed the facility, then all such leases or attempted leases are hereby validated, ratified, confirmed, and approved.

The committee amendment was adopted without objection.

Mr. Price offered the following amendment to the bill:

Amend SB 838 by adding a new Sec. 4a as follows:

"Sec. 4a. The adoption of an ordinance to change the form of government of a general law city with a population between 950 and 1,100 from commission to aldermanic is hereby in all respects validated as of the date of such proceedings.

The amendment was adopted without objection.

Mr. Pickens offered the following amendments to the bill:

Amend SB 838, Second Printing, by adding a new section thereto numbered 5, and renumbering the subsequent sections thereafter, said new section to read as follows:

"Section 5. All actions of a commissioners court of any county in this state in acquiring property and the subsequent conveyance of such property by deeds of record in any county in this state to the Board of Regents of The University of Texas, as trustees, for the use and benefit of The University of Texas are hereby ratified and confirmed and in all things approved."

Amend SB 838, Second Printing, line 37, second page, by striking said sentence and substituting in lieu thereof the following:

"which is directly involved as a party in litigation at the time this act becomes effective."

The amendments were severally adopted without objection.

Mr. Vale offered the following amendment to the bill:

Amend SB 838 by inserting on page 2, between Section 3 and Section 4 of the bill the following, and renumbering all following sections accordingly:

Section 4. That all assessments and reassessments for street or highway improvements and the liens and liabilities created thereby heretofore levied or purported to be levied by any and all cities in the state against properties abutting their streets or highways and against the owners of such properties, and all proceedings of the governing bodies of such cities levying or purporting to levy such assessments or reassessments are in all respects

validated and shall have the force and effect provided by the provisions of Chapter 106 of the Fortieth Legislature, First Called Session, 1927, as amended, except that nothing herein shall be construed to validate or to legalize any assessment lien levied or attempted to be levied against any property or interest in property exempt at the time the improvements were ordered from the lien of special assessment for street improvements.

Section 5. All assignable certificates of special assessment issued in evidence of such assessments or reassessments are hereby validated according to their terms. Any city which has not yet issued assignable certificates of special assessment to evidence such assessments may issue same and such certificates shall be valid and legal.

Section 6. This Act is not intended to validate, nor does it apply to any assessments or reassessments for street improvements, which are the subject matter of any litigation pending on the effective date of this Act, in any court of competent jurisdiction in this state in which the validity thereof is being challenged, if such litigation is ultimately determined against the validity of same.

The amendment was adopted without objection.

SB 838, as amended, was passed to third reading.

MESSAGE FROM THE SENATE

Austin, Texas, May 24, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 727 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 172 by 31 Yeas, 0 Nays, and SB 337 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on HB 203.

The following have been appointed on the part of the Senate: Senators Hall, Wilson, Word, Hightower, and Snelson.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on HB 1001.

The following have been appointed on the part of the Senate: Senators Brooks, Watson, Wallace, Kothmann, and Bates.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on HB 384.

The following have been appointed on the part of the Senate: Senators Hall, Word, Jordan, Ratliff, and Wallace.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on HB 1163.

The following have been appointed on the part of the Senate: Senators Watson, Herring, Bates, Moore, and Beckworth.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on HB 1596.

The following have been appointed on the part of the Senate: Senators Harrington, Watson, McKool, Mauzy, and Word.

I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 165, By Joe Allen: Congratulating the People's State Bank of Baytown on its 35th anniversary.

HCR 161, By Salem: Making certain corrections in HB 1656.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

CONSIDERATION OF BILLS ON THE LOCAL
AND CONSENT CALENDAR—(continued)

SB 535 ON SECOND READING
(Mr. Cavness—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 535, Creating the State of Texas Building Materials and Systems Testing Laboratory including a Technical Testing Evaluation Council.

The bill was read second time and was passed to third reading.

SB 951 ON SECOND READING
(Mr. Hawkins—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 951, Permitting certain individuals to attend an adjacent public school free of tuition.

The bill was read second time.

Mr. Hawkins offered the following amendments to the bill:

Amend SB 951 by striking all below the enacting clause and substituting the following:

Section 1. Subchapter C, Chapter 21, Texas Education Code, is amended by adding Section 21.080, to read as follows:

"Section 21.080. Transfer of Children of Employees of State Schools. A school-age child of an employee of a state school for the mentally retarded which is constituted as a school district who resides within the boundaries of the state school property but who is not a student at the state school is entitled to attend school in a school district adjacent to the state school free of any charge to his parents or guardian. Any tuition charge required by the admitting school district shall be paid by the school district constituting the state school out of funds allotted to it by the Central Education Agency."

Sec. 2. The fact that children of employees of the Texas Department of Mental Health and Mental Retardation who reside on the grounds of its institutions are ineligible to attend the schools which have been created to provide education for the mentally ill patients and the mentally retarded students of such institutions, and the fact that the parents of such children are required to pay a transfer tuition fee to enable their children to attend adjacent public schools create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amend SB 951 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act to permit certain students to attend school in adjacent school districts; amending Subchapter C, Chapter 21, Texas Education Code, by adding Section 21.080; and declaring an emergency.

The amendments were severally adopted without objection.

SB 951, as amended, was passed to third reading.

HB 777 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 777, Relating to the establishment of a Division of Early Childhood Education within the State Department of Education for education of children under the age of six years.

The bill was read second time.

Mr. Burgess offered the following amendment to the bill:

Amend HB 777 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Subchapter E, Chapter 11, Texas Education Code, is amended by adding Section 11.64 to read as follows:

"Section 11.64. Division of Early Childhood Education.

"(a) The Division of Early Childhood Education is a division of the State Department of Education and shall be responsible for planning and implementing developmental programs of education for children under the age of six years. This division shall have no jurisdiction over home economics programs in the public schools, junior colleges, or senior colleges and universities having child development and home and family life courses in their programs. The Division shall include representatives from the Division of Home Economics, Division of Program Planning, Elementary Education, and other units of the Texas Education Agency with whom coordination of Early Childhood programs in the state becomes essential.

"(b) The division shall be under the direction of the Assistant Commissioner for Teacher Education and Instructional Services. The Director of the Division of Early Childhood Education shall hold a doctoral level degree in the field of early childhood education, child development, home economics with a major in child development, or a related field and who has had working experience in the field.

"(c) The division shall develop a statewide plan for early childhood development and shall provide leadership and cooperative assistance to all state agencies which are engaged directly or indirectly in early childhood development programs.

"(d) The division in cooperation with the Department of Public Welfare and the Council on Early Childhood Development through the Council's Advisory Board as specified in the Progress Report, dated January 21, 1970, from the Governor's Task Force on Early Childhood Development and as further specified elsewhere in this Act, shall survey and evaluate the early childhood educational resources of the state.

"(e) The Central Education Agency in cooperation with the Department of Public Welfare and the Council on Early Childhood Development as specified in subsection (d) above shall create an advisory board to formulate minimum standards for acceptable educational and developmental programs for children under the age of six years who are enrolled in child care facilities other than those operated by the public schools. This advisory board shall be composed of:

(1) Four representatives from the Department of Public Welfare of whom two shall be employees of the Department directly concerned with licensing, day care programs or other related work and of whom two shall be members of the Department's day care subcommittee of the State Advisory Committee on Aid to Families with Dependent Children and Child Welfare Services, appointed by the Commissioner of the Department and of whom one of the two members of the Department's day care subcommittee shall be a parent of an economically disadvantaged child in day care.

(2) Four representatives from the Central Education Agency of whom one shall be an employee of the Division of Early Childhood Education and one an employee in the Vocational Homemaking Education Program, Division of Public School Occupational Education and of whom two are teachers of children under six who shall be appointed by the Commissioner of Education of the Central Education Agency.

(3) Four representatives from the Council on Early Childhood Development of whom one representative shall be an employee of the Council directly concerned with daily programs for children under six years of age; one representative appointed from the County Advisory Committee who shall represent licensed day care directors; one representative appointed from the Council Advisory Committee who shall represent a middle-class parent of a child in day care; one representative appointed from the Council Advisory Committee who shall represent a professional organization whose major concern is children under six years of age.

Standards created by the advisory board shall be subject to ratification by the Commissioner of Education of the Central Education Agency, the Commissioner of the Department of Public Welfare, and the Council on Early Childhood Development. The division shall apply the standards upon ratification in evaluating child care facilities other than those operated by the public schools, if and when the directors of said facilities apply to the division for evaluation. Application for evaluation and ultimate recognition by the Central Education Agency shall not exclude a facility from its responsibilities to meet state and local requirements administered by other state and local agencies.

“(f) The Central Education Agency shall formulate minimum standards for acceptable educational and developmental programs for children under the age of six who are enrolled in the public schools of the state. These standards shall be applied by the division in its evaluation of and assistance to the public schools of the state only.

“(g) The Central Education Agency shall provide for the evaluation and official certification of child care facilities other than those operated by the public schools and which facilities apply to the Central Education Agency for evaluation and recognition and which meet the standards set by the Central Education Agency.

“(h) The Central Education Agency shall provide differentiated levels of certification and recognition for individuals qualified to work in programs of Early Childhood Development. These levels shall include, but shall not be limited to:

(1) A professional and a provisional certificate in Early Childhood Education, which shall qualify a person to teach in nursery school, kindergarten, and grades one and two of the public schools upon completion of a baccalaureate degree which shall provide multidisciplinary preparation, e.g., curriculum and instruction, child development, sociology, psychology, home and family life courses in home economics, etc., and for which degree the Central Education Agency shall specify standards.

(2) A Kindergarten Endorsement as currently specified by the Central Education Agency to be an addition to the elementary education degree program.

(3) A professional or provisional certificate upon completion of a baccalaureate degree with a major in child development in home economics from an institution approved to prepare vocational homemaking teachers, which shall qualify the person to teach in the nursery schools and kindergartens of the public schools.

(4) A special certificate for those individuals who have completed an Associate Arts Degree or its equivalent and who majored in a child development program requiring no less than 24 hours work in courses specifically related to child growth and development, family life, and/or curriculum and instruction in pre-first grade level. This certificate shall enable persons to work in programs providing services for young children, as well as aides to teachers in public schools.

"(i) The Central Education Agency shall assist the Coordinating Board, Texas College and University System, and the colleges and universities of this state in developing multidisciplinary early childhood education programs which will lead to degrees and certification in early childhood education and child development."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted without objection.

HB 777, as amended, was passed to engrossment.

HB 653—VOTE RECONSIDERED

Mr. Short moved to reconsider the vote by which HB 653 was passed to engrossment on the Local Calendar.

The motion prevailed without objection.

The Chair laid before the House on its passage to engrossment, HB 653.

Mr. Kubiak offered the following amendment to the bill:

Amend HB 653 by inserting after the figure "10,372," the following:

" or not less than 19,800 nor more than 20,150, or not less than 17,299 nor more than 17,325, or not less than 14,350 nor more than 14,400,"

The amendment was adopted without objection.

HB 653, as amended, was passed to engrossment.

HB 234—VOTE RECONSIDERED

Mr. Hale moved to reconsider the vote by which HB 234 was passed to engrossment on the Local Calendar.

The motion prevailed without objection.

The Chair laid before the House on its passage to engrossment, HB 234.

Mr. Doran offered the following amendment to the bill:

Amend HB 234, Second Printing by deleting on Page 3 the following:

- (1) Lines 1 thru 6 and the first four words on line 7. and
- (2) The last six words on line 16 and all of lines 17 through 22.

The amendment was adopted without objection.

Mr. Blythe offered the following amendment to the bill:

Amending Committee Amendment No. 1 to HB 234 by adding a new section 5e to read as follows: "Any bill amending an existing law which contains defining brackets is excepted from the provisions of Sections 5a through 5d.

The amendment was adopted without objection.

HB 234, as amended, was passed to engrossment.

ADJOURNMENT

Mr. Lewis moved that the House adjourn until 6:40 p.m. today.

The motion prevailed without objection.

The House accordingly, at 6:31 p.m., adjourned until 6:40 p.m. today.

EIGHTY-SECOND DAY—MONDAY, MAY 24, 1971

The House met at 6:40 p.m. and was called to order by the Honorable Tommy Shannon.

The roll of the House was called and the following Members were present:

Adams	Caldwell	Farenthold	Hilliard
Agnich	Calhoun	Finck	Holmes, T.
Allen, Joe	Carrillo	Finnell	Howard
Allen, John	Cates	Finney	Hubenak
Allred	Cavness	Floyd	Hull
Angly	Christian	Foreman	Ingram
Atwell	Clark	Garcia	Johnson
Atwood	Clayton	Golman	Jones, D.
Baker	Coats	Grant	Jones, E.
Bass, B.	Cobb	Graves	Jones, G.
Bass, T.	Cole	Hale	Jungmichel
Beckham	Craddick	Hanna, Joe	Kaster
Bigham	Cruz	Hannah, John	Kilpatrick
Blanton	Daniel	Harding	Kost
Blythe	Davis, D.	Harris	Kubiak
Bowers	Davis, H.	Hawkins	Lee
Boyle	Denton	Hawn	Lemmon
Braecklein	Doran	Haynes	Lewis
Braun	Doyle	Head	Ligarde
Burgess	Dramberger	Heatly	Lombardino
Bynum	Earthman	Hendricks	Longoria